

WHITEFORD AGRICULTURAL SCHOOLS

Administrative Guideline Manual

36 policies

July 9, 2026

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ADMINISTRATION

ag1100

SUPERINTENDENT'S/PRINCIPAL'S ABSENCE FROM THE DISTRICT

1100 - SUPERINTENDENT'S/PRINCIPAL'S ABSENCE FROM THE DISTRICT

Whenever the Superintendent is away from the District and unavailable to make a decision, and, if not otherwise specified in policy or administrative guidelines, the High School Principal (734) 856-1443 shall be responsible for determining whether or not a decision must be made prior to the Superintendent's return. If so, then s/he shall:

- A. make the decision;
- B. take and/or supervise appropriate action;
- C. inform the Superintendent upon his/her return.

Should the High School principal also be unavailable, then each administrator shall assume such responsibility in the order in which his/her name appears on the following list:

POSITION	TELEPHONE
Elementary Principal	(734) 856-1443
Middle School Principal	(734) 856-1443

Whenever a principal is to be absent from his/her building and unavailable to make a decision, s/he is to select one (1) or more appropriate members of the school staff to act on his/her behalf and to provide the names of the selected staff member(s) to the District office.

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ADMINISTRATION

ag1120

LINE AND STAFF RELATIONS

1120 - LINE AND STAFF RELATIONS

All staff members shall be responsible to the Board of Education through the Superintendent. Each staff member shall refer matters requiring administrative action to the person in charge of the department, who shall refer such matters to the next higher authority, when necessary.

Each staff member is to keep the person s/he is immediately responsible to informed of his/her activities by whatever means the supervisor deems appropriate.

All staff members have the right to appeal any decision made by an administrative officer, through approved procedures as defined by contract, agreements, policies, administrative guidelines, or by State law.

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ag1230.01

ADMINISTRATIVE MANUALS AND HANDBOOKS

1230.01 - ADMINISTRATIVE MANUALS AND HANDBOOKS

To ensure that all manuals, handbooks, and booklets are appropriate, each must be consistent with applicable Board of Education policies, adhere to the following guidelines, and be approved by the Superintendent.

Each manual or handbook should include the following types of information:

A. Title page.

B. Table of Contents.

C. An initial section containing:

1. the purpose and goals of the program or service to which it relates;
2. the description of how the document is to be used;
3. a listing of available resource people and/or documents for assistance and/or to obtain answers to questions or concerns.

D. One (1) or more sections containing essential rules, procedures, and/or guidelines the reader should follow to accomplish the purpose and goals stated in the document.

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ag1400

REVISING JOB DESCRIPTIONS FOR COMPLIANCE WITH ADA/504

1400 - REVISING JOB DESCRIPTIONS FOR COMPLIANCE WITH ADA/504

The Americans with Disabilities Act (ADA) requires that the District's job descriptions be reviewed and, if necessary, revised to ensure that employment practices do not discriminate against any current staff member or job candidate who has a disability as defined in AG 3122.

The following procedure should ensure that each job description adequately and accurately reflects the mental and physical requirements to fulfill properly the expectations of the job.

Because there is more likelihood that physical impairments will interfere with job functioning in classified positions, these job descriptions should be reviewed/revised first.

For each job description:

Step One

List each of the tasks associated with the job and then the activities associated with each task. It may help to think through, step by step, a typical work day from beginning to end and then add in the additional tasks that the job requires from time-to-time. Identify those tasks **that are essential** to completing the responsibility properly, that is, those tasks that are essential to fulfilling the responsibility. Then, identify those tasks that are marginal to the position.

Step Two

For each activity describe how the activity is performed...what physical motions are involved. what tools/equipment need to be used and how.

Step Three

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Determine what knowledge, literacy skills, and technical skills a person has to have in order to complete the job responsibility in a way that meets District expectations. For example, is it necessary for the person to be able to compute well enough to solve problems involving arithmetic or write clearly and legibly, or understand written directions?

The job description masters should be kept on file in the Superintendent office with copies available to the staff member and his/her supervisor, in accordance with any applicable negotiated agreement. Job descriptions should be updated whenever there is an addition to or modification in a job.

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ag1411

WHISTLEBLOWER PROTECTION

1411- WHISTLEBLOWER PROTECTION

The Board of Education encourages and requires all employees, acting in good faith, to report suspected or actual violations of local, State and Federal laws or Board policies and administrative guidelines. These guidelines shall be used to ensure that the Board's policy on whistleblowers' protection (Policy 1411) is implemented properly and in compliance with State laws. The Board will verify that employees are protected from interference with reporting violations and from retaliation for having reported violation or for refusing an illegal order.

To that end, it is the responsibility of an employee who is aware of conduct on the part of any Board member, employee, volunteer, contractor or agent that possibly violates local, State or Federal law or Board policy or administrative guidelines, to report such conduct to his/her immediate supervisor. Board members and employees are prohibited from retaliating against an individual who has reported a violation and/or refused an illegal order and shall not use or attempt to use their position to prevent an employee from reporting a possible violation or refusing an illegal order.

Reporting Criminal Violations

A. If an employee becomes aware in the course of his/her employment of a possible violation of any local, State or Federal law or Board policy or administrative guidelines, that the Board has authority to correct and the employee reasonably believes that such violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall immediately notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive, then the employee may report the possible violation to:

1. Superintendent or his/her designee;

If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

2. Director of Human Resources;

In addition, the employee may contact the appropriate law enforcement or governmental agency responsible for enforcing such laws.

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B. If the initial notification of the possible violation was done orally, the employee shall subsequently file with that supervisor or other designated District official, a written report providing sufficient detail to identify and describe the possible violation.

C. The Administration shall promptly investigate the alleged violation(s) and/or refer the matter to the appropriate law enforcement or governmental agency. Ordinarily, the decision to investigate or refer the matter should occur within twenty-four (24) hours of receiving sufficient information to make a determination.

1. When consistent with the privacy rights of employees and the objectives of any internal or external investigation, the supervisor or other District official will notify the reporting employee in writing of the District's conclusions based on investigation and remedial measures taken, if any.

2. Written notification shall be provided to the employee by the close of business on the next regular school day of receiving notification from the employee that the District is following up on the reported concern.

D. If the District does not notify the employee of its efforts to investigate or remediate the problem by the close of business on the next regular school day after receiving notification of the possible violation, the employee may file a written report providing sufficient detail to identify and describe the possible violation with:

- 1. the Board President;
- 2. the prosecuting authority of the county or municipal corporation where the violation occurred;
- 3. a police officer;
- 4. the Inspector General (if the violation is within the Inspector General's jurisdiction); or
- 5. any other appropriate public official or agency having regulatory authority over the District, and the activities in which the District is engaged.

Reporting Other Violations

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A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guideline, that does not involve a criminal offense or improper solicitation and is not likely to cause an imminent risk of harm to persons or hazard to public health or safety, the employee shall orally notify his/her immediate supervisor or other District official (as set forth above). The employee shall subsequently file a written report within two (2) days.

B. The immediate supervisor or other District official will acknowledge receipt of the written report within five (5) days. Such reports will be investigated within fifteen (15) days, and appropriate action will be taken, if warranted, at the conclusion of the investigation.

Duty to Determine Accuracy of Possible Violations

A. Employees are encouraged to make a reasonable and good faith effort to determine the accuracy of any possible violations.

B. An employee who knowingly makes a false report may be subject to disciplinary action, including suspension or termination.

C. An employee who knowingly or recklessly gives false information or makes a false report of a violation could be liable for defamation.

Prohibition Against Retaliation

A. No employee shall be disciplined, retaliated or discriminated against for reporting a possible violation by the District, another employee, contractor, volunteer or other person working in or with the schools or participating in any investigation of reported illegal activity, as long as the employee does not knowingly report false information.

B. For purposes of this policy and guideline, improper disciplinary, discriminatory or retaliatory action (when such action is taken as a result of the reporting and not for legitimate business purposes) includes, but is not limited to, the following:

- 1. terminating or suspending the employee;

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- 2. withholding from the employee salary increases or employment benefits to which the employee is otherwise entitled;
- 3. transferring or reassigning the employee;
- 4. denying the employee a promotion that s/he would have otherwise received; or
- 5. reducing the employee in pay or position.

C. If disciplinary or retaliatory action is taken against an employee for reporting a possible violation of law to a governmental official or agency, including the District, the employee may file a civil action in an appropriate County Circuit Court for appropriate injunctive relief, damages (including attorney fees), or both, within ninety (90) days after the date the disciplinary, discriminatory or retaliatory action was taken.

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ag1420

EVALUATION PROCEDURE FOR ADMINISTRATIVE PERSONNEL

1420 - EVALUATION PROCEDURE FOR ADMINISTRATIVE PERSONNEL

The Board of Education requires the evaluation of all District administrators. In compliance with this mandate, AG 1420 as well as the following procedures will be used for administrative evaluations.

An annual written evaluation will be provided each administrator according to a schedule determined by the Superintendent.

The written evaluation shall measure each administrator's effectiveness in performing assigned duties, and these evaluations shall be considered by the Superintendent and the Board when deciding whether to renew or to non-renew a contract.

The Superintendent will, at least thirty (30) days prior to any Board action, ensure that all evaluations have been completed and received by administrators whose contracts expire at the end of the current year.

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ag1421

CRIMINAL HISTORY RECORD CHECK

1421 - CRIMINAL HISTORY RECORD CHECK

Prior to making any offer of employment to a new applicant, the following procedure is to be used for electronic fingerprinting services for applicant background checks:

- A. The applicant will be asked to arrange for fingerprinting with the entity or agency which uses fingerprinting procedures acceptable to the Michigan State Police.

- B. The fingerprinting agency will provide the applicant with a date and location of the procedure.

- C. The applicant will be expected to bring payment and the form provided by the District, designating the purpose for which a background check is needed. The criminal background checks required by State law must be performed.

- D. Cost of the criminal background record check is determined by the Michigan State Police (MSP). The fingerprinting agency will notify the applicant of the current cost, plus any processing fee, at the time s/he is requested to submit to the criminal background check. Each request must be accompanied by a check, payable to the entity or agency, to cover the full cost of the fees.

- E. The fingerprinting agency will capture the fingerprints and personal information and transmit the data to the MSP.

- F. MSP will perform the check on the State data base and forward the criminal history check to the FBI, if required by statute for the position. MSP will submit the record electronically to District via the Criminal History Record Internet Subscription Service (CHRISS).

- G. All information received from the criminal history check shall be handled and stored pursuant to Policy 8321.

- H. The Superintendent shall determine whether or not to consider disqualification of an applicant based on the records check. An applicant who has a confirmed conviction for a "listed offense" (as defined in M.C.L. 28.722) may not be employed.

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ag1422

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

1422 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

This administrative guideline is established to assist in the proper implementation of Policy 1422 and Policy 1422.02. Policy 1422 states:

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected characteristic, (collectively, "Protected Classes") in its programs and activities, including employment opportunities.

The District's Compliance Officers shall handle inquiries regarding the Board's nondiscrimination policies and address any complaint of discrimination.

Sex-Based Discrimination

Discrimination against a transgender individual because that person is transgender is discrimination based on sex and therefore a violation of Title VII. Specifically, discrimination against transgender individuals on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior.

Additionally, employment actions based upon an individual's sexual orientation are suspect and potentially illegal.

Administrators are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her transgender identity or sexual orientation.

Any questions concerning whether alleged conduct might violate this prohibition should be promptly brought to the Superintendent's attention.

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For purposes of this policy/administrative guideline, "military status" refers to a person's status in the uniformed services which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of the Michigan organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

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ag1460

EMERGENCY TREATMENT AND BOARD-ORDERED PHYSICAL EXAMINATIONS

1460 - EMERGENCY TREATMENT AND BOARD-ORDERED PHYSICAL EXAMINATIONS

- A. The Dundee Urgent Care, 100 Powell Drive, Suite 8, Dundee, Michigan 48131 or Promedica Flower Hospital, 5200 Harroun Road, Sylvania, Ohio 43560 is hereby designated as the official location for emergency treatment and for physical examinations required by the Board of Education of the District.
- B. Each staff member must secure a Referral Form from his/her supervisor before leaving the District on visits to the treatment center.
- C. Appointments are not needed.
- D. If a return/follow-up visit is necessary, the staff member will be given a Return Form with a copy to the School District.
- E. When the doctor determines that the staff member may return to work, they will advise the Superintendent's Office of the return date and restriction, if applicable.
- F. If a staff member is injured on-the-job, the accident must be reported within twenty-four (24) hours to the immediate supervisor who will, in turn, report the accident to the Superintendent's Office.
- G. The Superintendent's Office will inform the insurance carrier, according to the guidelines, of any Workers' Compensation claims.
- H. When an injured staff member leaves the treatment center, the employee will inform the supervisor.
- I. Post-Offer and Post-Employment Physicals

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Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential file in accordance with the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA). In the event of a report indicating that the candidate is not qualified to perform the essential functions of the position, with or without reasonable accommodation, the Superintendent will make a recommendation to the Board of non-employment. The Superintendent or his/her designee may discuss the results of the report with the healthcare provider who performed the medical examination prior to the Superintendent making a recommendation to the Board.

Information from examinations required of any employee will be handled in the same manner.

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ag1623A

SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

1623A - SECTION 504/ADA - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits discrimination against any employee or applicant based on his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability against qualified individuals with disabilities in every aspect of employment. Specifically, the Board does not discriminate on the basis of disability against a qualified individual in regard to:

- A. recruitment, advertising, and job application procedures;
- B. hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- C. rates of pay or any other form of compensation and changes in compensation;
- D. job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- E. leaves of absence, sick leave, or any other leave;
- F. fringe benefits available by virtue of employment, whether or not administered by the Board;
- G. selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- H. activities sponsored by the Board, including social and recreational programs; and
- I. any other term, condition, or privilege of employment.

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The Board will provide a reasonable accommodation to a qualified applicant and employee who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

An individual with a disability is anyone who:

- A. **has** a physical or mental impairment that substantially limits one (1) or more major life activities ("actual disability");

- B. **has a record of** (i.e., has a history of, or has been misclassified as having) a physical or mental impairment that substantially limits one (1) or more major life activities; or

- C. **is regarded as having** a physical or mental impairment that substantially limits one (1) or more major life activities (i.e., has a physical or mental impairment that does not substantially limit major life activities but is treated by the District as constituting such a limitation, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment, or has none of the physical or mental impairments recognized by Section 504/ADA but is treated as having such an impairment).

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Physical or mental impairment means:

- A. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems:

Whiteford Agricultural Schools

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1. neurological

2. musculoskeletal

3. special sense organs

4. respiratory, including speech organs

5. cardiovascular

6. reproductive

7. digestive

8. genitourinary

9. hemic and lymphatic

10. skin

11. immune

12. circulatory

13. endocrine

B. any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities

1 While the determination of whether an impairment substantially limits a major life activity is an individualized one
2 that is case specific, given the inherent nature of the following impairments, as a factual matter, they will virtually
3 always be found to impose a substantial limitation, at a minimum, on the major life activity indicated: deafness
4 substantially limits hearing; blindness substantially limits seeing; an intellectual disability substantially limits brain
5 function; partially or completely missing limbs or mobility impairments requiring the use of a wheelchair
6 substantially limits musculoskeletal function; autism substantially limits brain function; cancer substantially limits
7 normal cell growth; cerebral palsy substantially limits brain function; diabetes substantially limits endocrine
8 function; epilepsy substantially limits neurological function; Human Immunodeficiency Virus (HIV) infection
9 substantially limits immune functions; multiple sclerosis substantially limits neurological function; muscular
10 dystrophy substantially limits neurological function; and major depressive disorder, bipolar disorder, post-
11 traumatic stress disorder, obsessive compulsive disorder, and schizophrenia substantially limits brain function.

12 Physical or mental impairments that are episodic in nature or in remission may constitute a disability for the
13 purposes of Section 504/ADA if the impairment would substantially limit a major life activity when active, such as
14 asthma, allergies, or cancer.

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16 The determination of whether an impairment substantially limits a major life activity must be made without regard
17 to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances,
18 low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not
19 including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and
20 cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies,
21 use of assistive technology, reasonable accommodations or "auxiliary aids or services", learned behavioral or
22 adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

23 Individual with a disability does not include the following (i.e., Section 504 and/or the ADA specifically excludes):
24

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26 A. individuals who are currently engaging in the illegal use of drugs, when the District acts on the basis of such
27 use
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30 B. with respect to employment, any individual who is an alcoholic whose current use of alcohol prevents such
31 individual from performing the duties of the job in question or whose employment, by reason of such
32 current alcohol abuse, would constitute a direct threat to property or the safety of others
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35 C. with respect to employment, an individual who has a currently contagious disease or infection and who, by
36 reason of such disease or infection, would constitute a direct threat to the health or safety of other
37 individuals or who, by reason of the currently contagious disease or infection, is unable to perform the
38 duties of the job
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40 D. an individual on the basis of homosexuality or bisexuality
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E. an individual on the basis of:

1. transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders;
2. compulsive gambling, kleptomania, or pyromania; or
3. psychoactive substance use disorders resulting from current illegal use of drugs.

Individual with a disability includes an individual who:

- A. has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;
- B. is participating in a supervised rehabilitation program and is no longer engaging in such use; or
- C. is erroneously regarded as engaging in the illegal use of drugs, but is not engaging in such use.

Public Notice

Recruitment materials, job announcements and all other materials/publications published by the Board must contain the following statement that the Board does not discriminate against persons with disabilities in employment or the provision of services. This requirement may be met by including an insert in existing publications or revising and reprinting publications.

Equal Employment Opportunity Statement

The Whiteford Agricultural School District Board does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, genetic information, or any other legally protected status in its employment decisions or the provision of services.

1 The Board will also include a notice of reasonable accommodation requirements on District employment
2 application forms and post notices that employee reasonable accommodation Request Forms may be obtained
3 from the District's Section 504 Compliance Officer (who also serves as its ADA Coordinator).

4
5 **Decision-Making Process for Determining/Identify Reasonable Accommodations and Undue Hardship**
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8 In determining the appropriate accommodation in the employment situation, the District will take into account two
9 (2) factors:

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12 A. the specific abilities and functional limitations of the particular applicant or employee with a disability; and
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15 B. the specific functional requirements of the particular job.
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18 A reasonable accommodation is "any change in the work environment or in the way things are customarily done
19 that enables an individual with a disability to enjoy equal employment opportunities." Many times a reasonable
20 accommodation will be obvious and made without difficulty and at little or no cost. The District Section 504
21 Compliance Officer/ADA Coordinator will first inquire of the individual with the disability as to any possible
22 suggestions s/he may have for a simple change or adjustment that will serve as an effective accommodation. The
23 District recognizes that employees with disabilities can be useful sources of the information on what type of
24 accommodation they need, where to obtain information on appropriate accommodations, and where to purchase
25 accommodations.

26
27 If, however, the identification of a reasonable accommodation proves difficult, the District will utilize an informal,
28 interactive process whereby it and the individual will work together to identify the appropriate accommodation.
29 The interactive process will include any and/or all of the following steps, as may be appropriate:

30
31 A. Examination of the particular job involved and determination of its purpose and essential functions. The
32 District will conduct an individual assessment of the particular job at issue in order to analyze the actual job
33 duties ("essential functions") and determine the true purpose or object of the job.

34
35 B. The District will then consult with the individual with a disability to find out his/her specific physical or
36 mental abilities and limitations as they relate to the essential job functions. This will help the parties to
37 identify the barriers to job performance and assess how these barriers could be overcome with an
38 accommodation.

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40 C. In consultation with the individual, the District will identify potential accommodations and assess how
41 effective each would be in enabling the individual to perform essential job functions.
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D. If the parties are still not able to identify an appropriate accommodation, the District will seek technical assistance.

E. If there are several effective accommodations that would provide an equal employment opportunity, the District will select the accommodation that best serves the needs of the individual and the District. While the District will give the individual with a disability's preference first consideration, the District may choose among effective accommodations and select the accommodation that is less expensive or easier to provide. The District may consider the cost, efficiency and availability of the alternative accommodations in selecting an effective accommodation. The District does not have the obligation to provide the "best" accommodation possible, so long as it provides an accommodation that is sufficient to meet the job-related needs of the individual being accommodated.

The District will not provide an accommodation without first checking with the employee since the employee may not need or want an accommodation, or the unrequested accommodation may not meet the employee's functional limitation. The District will respect an individual with a disability's right not to accept an accommodation if s/he has not requested it and does not feel one is necessary.

However, if this results in the individual failing to perform essential functions, s/he may be considered unqualified and may either be refused employment or discharged.

The District may decline to provide desired accommodations if it determines such accommodations will result in an undue hardship. An undue hardship entails a significant difficulty or expense in, or resulting from, the provision of the accommodation. Such hardship is not limited to financial difficulty but rather encompasses any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the program. If the cost of an accommodation would impose an undue hardship, the District will give the individual with the disability the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Further, the District will not consider employee morale or the attitudes of others when determining undue hardship.

Decisions not to provide a reasonable accommodation will be in writing and accompanied by an explanation of the decision not to act. Reasonable accommodations may include:

A. Making facilities used by employees readily accessible to and usable by individuals with disabilities.

B. Job restructuring, part-time or modified work schedule, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

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- C. Making modifications to existing leave policies and providing leave when needed for a disability, even where an employer does not offer leave to other employees.

- D. Reassignment to a new job because the disability prevents the employee from performing one (1) or more essential functions of the current job, even with a reasonable accommodation, or because any accommodation in the current job would result in undue hardship. If reassignment is required, the Board will place the employee in a vacant position for which s/he is qualified, without requiring the employee to compete with other applicants for open positions, except reassignment does not include promotion, and generally does not involve placing an employee in a vacant position when another employee is entitled to the position under a uniformly-applied seniority system (i.e., a negotiated collective bargaining agreement).

Factors to be considered when determining whether an accommodation would impose an undue hardship on the operation of the District's program or activity include:

- A. the overall size of the District's program or activity with respect to number of employees, number and type of facilities, and size of budget;

- B. the type of the District's operation, including the composition and structure of the District's workforce; and

- C. the nature and cost of the accommodation needed.

Employment Criteria

The District will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the Board, is shown to be job-related for the position in question and consistent with business necessity.

The District will select and administer tests concerning employment so that when administered to an applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Pre-employment Inquiries

1 Except as authorized by law, the District will not conduct a pre-employment medical examination or make pre-
2 employment inquiry of an applicant as to whether the applicant is an individual with a disability or as to the nature
3 or severity of a disability. The District will, however, make pre-employment inquiry into an applicant's ability to
4 perform job-related functions - this includes requesting the applicant to describe or demonstrate how s/he would
5 perform the functions.

6
7 The District may give a physical agility test at any point in the application or employment process, since such tests
8 are not medical exams. When the District decides to give such a test it must give the test to all similarly situated
9 applicants or employees regardless of disability.

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12 Some examples of alternative test formats and reasonable accommodations are:

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14 A. allowing people with certain learning or dexterity disabilities to take extra time on a test;

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17 B. assuring the test site is accessible to a person with a mobility impairment;

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20 C. allowing a person with a mental disability who cannot perform well with distractions to take a test in a
21 separate room, if a group test setting is not relevant to the job; and

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23
24 D. providing Braille, large print, a reader or a computer for people with vision impairments.

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27 If the District conditions an offer of employment on the results of a medical examination conducted prior to the
28 employee's entrance on duty, the District will:

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31 A. subject all entering employees to such an examination regardless of disability, and

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34 B. the results of the examination will be used only as authorized by law.

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37 The successful candidate who is required to submit to a medical examination, as well as the medical provider that
38 is designated by the Board to conduct the examination, will be directed not to collect or provide any genetic
39 information, including the candidate's medical history, in the report of the medical examination.

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1 Information obtained as to the medical condition of the applicant, including any inadvertently provided genetic
2 information, will be collected and maintained on separate forms that shall be accorded confidentiality as medical
3 records, except that:

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5 A. supervisors and managers may be informed regarding restrictions on the work or duties of individuals with
6 disabilities and regarding necessary accommodations;

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9 B. first aid and safety personnel may be informed where appropriate, if the condition might require emergency
10 treatment; and

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13 C. government officials investigating compliance with Section 504, the ADA and/or the Genetic Information
14 Nondiscrimination Act ("GINA") shall be provided relevant information upon request.

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16 **Interviews**

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19 All of the topics labeled off-limits with respect to job applications are likewise prohibited as subjects of inquiry
20 during job interviews. The District, however, may ask questions that relate to an applicant's ability to perform job-
21 related functions so long as it does not phrase the questions in terms of disability. The interviewer may ask about
22 an applicant's ability to perform both essential and marginal job functions. In addition, the interviewer may
23 describe or demonstrate job function(s) and inquire whether the applicant can perform that function(s) with or
24 without reasonable accommodation. Along the same lines, the interviewer may ask the applicant to describe or
25 demonstrate how, with or without reasonable accommodation, s/he will perform the job-related functions. Any
26 questions concerning the need for reasonable accommodation should always be linked with performance of a
27 specific job function. The interviewer should never ask an open-ended question such as "Will you need a
28 reasonable accommodation?"

29 Interviews should thus concentrate on how applicants will complete tasks that are essential functions, rather than
30 on eliciting information about the applicant's physical or mental condition. Similarly, the District may inquire as to
31 an applicant's ability to perform a job effectively and safely.

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33
34 According to the EEOC, the following are examples of questions that cannot be asked on a job application or during
35 an interview:

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37 A. Have you ever had or been treated for any of the following conditions or diseases?

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40 B. Please list any conditions or diseases for which you have been treated in the past three (3) years.
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C. Have you ever been hospitalized? If so, for what condition?

D. Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?

E. Have you ever been treated for any mental condition?

F. Is there any health-related reason you may not be able to perform the job for which you are applying?

G. Have you had a major illness in the last five (5) years?

H. How many days were you absent from work because of illness last year?

I. Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations?

J. Do you have any disabilities or impairments that may affect your performance in the position for which you are applying?

K. Are you taking prescribed drugs?

L. Have you ever been treated for drug addiction or alcoholism?

M. Have you ever filed for workers' compensation insurance?

Interviewers should not ask a Reference question about an applicant that they could not ask the applicant himself/herself (i.e. previous employers cannot be asked about a former employee's disabilities, illness or workers' compensation history/claims).

The following are pre-employment questions that can be asked:

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A. Can you meet the requirements of our attendance policy?

B. Can you perform the tasks of this position with or without an accommodation?

C. Describe or demonstrate how you would perform this function, with or without an accommodation? (Such a question can be asked of applicants who have a known disability that might prevent them from performing a job function. If the disability would not interfere with a job function, however, the person could only be asked to demonstrate job performance if all other candidates must do so.)

If an applicant indicates s/he has performed a particular function with an accommodation, the potential employer may inquire about it.

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FMLA LEAVE

1630.01- FMLA LEAVE

Definitions Applicable to FMLA Leave

The term "child" (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care" because of a mental or physical disability (as defined by the Americans with Disabilities Act (ADA), as amended) at the time the FMLA leave is to commence.

The term "spouse" means the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one (1) state. This includes an individual in a same-sex or common law marriage that meets this definition.

Civil unions are not considered marriages under the FMLA.

The term "incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the "activities of daily living" (ADLs) (e.g., caring appropriately for one's grooming and hygiene, bathing, dressing, eating) or "instrumental activities of daily living" (IADLs) (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.).

An employee is "unable to perform the functions of his/her position" where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

The term "serious health condition" can include episodic conditions such as asthma, diabetes, epilepsy, and morning sickness of three (3) days or less. Illnesses such as colds, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are not serious health conditions unless complications arise.

1 **Leave for Adoption or Foster Care**

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4 Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from
5 work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to,
6 the employee attending a required counseling session, appearing in court, consulting with his/her attorney or the
7 doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to
8 complete an adoption.

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10 **Military Family Leave Entitlements**

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13 **A. Military Caregiver Leave**

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16 Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a "single twelve (12)
17 month period," to care for a covered service member with a serious injury or illness. The "single twelve (12)
18 month period" begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve
19 (12) months after that date. If the employee does not use his/her entire twenty-six (26) work weeks leave
20 entitlement during the "single twelve (12) month period" of leave, the remaining work weeks of leave are
21 forfeited.

22
23 For purposes of Military Caregiver Leave, the covered service member may be a 1) current member of the
24 Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical
25 treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary
26 disability retired list, for a serious injury or illness, or 2) a veteran who is undergoing medical treatment,
27 recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces
28 (including a member of the National Guard or Reserves) and was discharged or released under conditions
29 other than dishonorable at any time during the period of five (5) years prior to the first date the eligible
30 employee takes FMLA leave to care for the covered veteran. For an individual who was a member of the
31 Armed Forces and who was discharged or released under conditions other than dishonorable prior to March
32 8, 2013, the period between October 28, 2009, and March 8, 2013, shall not count towards the
33 determination of the five-year period for covered veteran status.

34 Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by
35 a covered service member in the line of duty on active duty in the Armed Forces (or existed before the
36 beginning of the covered service member's active duty and was aggravated by service in the line of duty on
37 active duty in the Armed Forces) and that may render the service member medically unfit to perform the
38 duties of his/her office, grade, rank, or rating.

39 In the case of a veteran, a serious injury or illness means an injury or illness that was incurred by the
40 member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the
41 member's active duty and was aggravated by the service in the line of duty on active duty in the Armed
42 Forces) and manifested itself before or after the member became a veteran and is 1) a continuation of a

1 serious injury or illness that was incurred or aggravated when the covered veteran was a member of the
2 Armed Forces and rendered the service member unable to perform the duties of the service member's
3 office, grade, rank, or rating; 2) a physical or mental condition for which the covered veteran has received a
4 U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty percent (50%) or
5 greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for
6 military caregiver leave; 3) a physical or mental condition that substantially impairs the covered veteran's
7 ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to
8 military service, or would do so absent treatment; or 4) an injury, including a psychological injury, on the
9 basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of
10 Comprehensive Assistance for Family Caregivers.

11 The term "son or daughter of a covered service member" means a covered service member's biological,
12 adopted, or foster child, stepchild, legal ward, or child for whom the service member stood in loco parentis,
13 and who is of any age. Similarly, the term "parent of a covered service member" means a covered service
14 member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco
15 parentis to the covered service member. (The term does not include parents "in-law.")

16 The term "next of kin" means the service member's nearest blood relative, other than the covered service
17 member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been
18 granted legal custody of the service member by court decree or statutory provisions; brothers and sisters;
19 grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically
20 designated in writing another blood relative as his/her nearest blood relative for purposes of Military
21 Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered
22 service member's next of kin. All family members sharing the closest level of familial relationship to the
23 covered service member are considered the covered service member's next of kin, unless the covered
24 service member has specifically designated an individual as his/her next of kin for Military Caregiver Leave
25 purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service
26 member at the same time, the employee may not take more than twenty-six (26) work weeks of leave
27 during each "single twelve (12) month period."

28 Military Caregiver Leave is a "per-service member, per-injury" entitlement. Therefore, an eligible employee
29 may take twenty-six (26) work weeks of leave to care for one (1) covered service member in a "single twelve
30 (12) month period," and then take another twenty-six (26) work weeks of leave in a different "single twelve
31 (12) month period" to care for another covered service member or to care for the same service member
32 with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers
33 another injury). Additionally, an eligible employee could take FMLA leave, after the end of the "single twelve
34 (12) month period" for Military Caregiver Leave, to care for a covered service member if the member is a
35 qualifying family member under non-military FMLA and s/he has a serious health condition.

36 **B. Qualifying Exigency Leave**

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39 Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following
40 qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on
41 covered active duty or call to covered active duty status, or has been notified of an impending call or order
42 to covered active duty in the Armed Forces:

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1. Issues arising from a qualifying family member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.

2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to a qualifying family member's covered active duty or call to covered active duty status.

3. Certain childcare and related activities arising from a qualifying family member's covered active duty or call to covered active duty status, such as arranging for alternative childcare, providing childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).

4. Making or updating financial and legal arrangements to address a qualifying family member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust) and acting as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of ninety (90) days following the termination of the military member's covered active duty status.

5. Attending counseling provided by someone other than a healthcare provider for oneself, the qualifying family member, or the child of the qualifying family member, the need for which arises from the qualifying family member's covered active duty or call to covered active duty status. The child must be the military member's biological, adopted, or foster child, stepchild, legal ward or child for whom the military member stands in loco parentis, who is either under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

6. Taking up to fifteen (15) days of leave to spend time with a qualifying family member who is on short-term, temporary, rest and recuperation leave during the deployment.

7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the qualifying family member's covered active duty status, and addressing issues arising from the death of a qualifying family member.

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8. Providing parental care for a parent of a military member who is incapable of self-care and is the military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member when the member was under eighteen (18) years of age. "Incapable of self-care" means the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (includes adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating) or instrumental activities of daily living (includes cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.). Parental care includes 1) arranging for alternate care when the parent is incapable of self-care and the covered active duty or call to covered active duty status necessitates a change in the existing care arrangement for the parent; 2) providing care on an urgent, immediate need basis (but not on a routine, regular or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from covered active duty or call to covered active duty status; 3) admitting or transferring to a care facility a parent when admittance or transfer is necessitated by the covered active duty or call to covered active duty status; and 4) attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status but not for regular or routine meetings.

9. Any other event that the employee and the Board agree is a qualifying exigency.

The term "qualifying family member" for purposes of Qualified Exigency Leave means a staff member's spouse, son, daughter or parent.

The term "covered active duty" or "call to covered active duty status" for purposes of Qualified Exigency Leave means duty for a member of the Regular Armed Forces during deployment of the member with the Armed Forces to a foreign country, and, in the case of a member of the Reserve components of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406, or Chapter 15 of Title 10 of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress as long as it is in support of a contingency operation.

The term "son or daughter" means the employee's biological, adopted, or foster child, stepchild, legal ward, or child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. Similarly, the term "parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. (The term does not include parents "in-law.")

Employee Request for FMLA Leave

While eligible employees are not required to expressly request unpaid FMLA leave, it is requested that eligible employees who seek an unpaid FMLA leave for any of the approved reasons complete and submit to the

1 Superintendent a written request for FMLA leave.

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4 The District shall provide a written response to an employee making a request for FMLA leave specifying the
5 procedures for administering such leaves. The response will occur within five (5) business days after the request is
6 received or after the District receives sufficient information to determine eligibility for the leave. Any denial will
7 include specific reasons. If there is a dispute over the denial, the matter will be discussed with the employee and
8 the substance of the discussion will be recorded.

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10 **Attendance Reporting**

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13 The District requires compliance with its normal notice of absence procedures at the assigned building(s). Approved
14 FMLA leave will not count towards unexcused or excessive absences for purposes of tracking attendance.

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17 **Employee Certifications**

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20 Eligible employees who apply for FMLA leave "to care for an immediate family member" must submit DOL Form
21 (WH-380-F;

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24 "Certification of Health Care Provider for Family Member's Serious Health Condition").

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27 Eligible employees who apply for FMLA leave for "the employee's own serious health condition" must submit DOL
28 Form (WH-380-E; "Certification of Health Care Provider for Employee's Serious Health Condition").

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30 The Superintendent shall attach a statement of the essential functions of the employee's position for the health care
31 provider to review. In order for the Certification Form to be considered sufficient, the health care provider must
32 specify what function of the employee's position the employee is unable to perform so that the District can then
33 determine whether the employee is unable to perform one (1) or more essential functions of the employee's
34 position.

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36 Eligible employees who apply for Military Caregiver Leave must submit DOL Form (WH-385; "Certification for
37 Serious Injury or Illness of Covered Service Member - for Military Family Leave" or WH-385-V, "Certification for
38 Serious Injury or Illness of a Veteran for Military Caregiver Leave). The form may be completed by a Department of
39 Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized
40 private health care provider, a DOD non-network TRICARE authorized private health care provider, or any health
41 care provider as defined by 29 C.F.R. 825.125.

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1 Additionally, with respect to Military Caregiver Leave, the District will accept the submission of an Invitational Travel
2 Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the
3 ITO or ITA. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the
4 ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member.
5 If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the
6 employee is responsible for submitting the DOL Form for the remainder of the employee's leave period. The
7 District will also accept, with respect to Military Caregiver Leave, documentation indicating the service member's
8 enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers,
9 regardless of whether the employee is the named caregiver in the documentation. Employees are advised that the
10 Superintendent may seek authentication and clarification of such documentation, and may require an employee to
11 provide confirmation of covered family relationship to the seriously injured or ill service member and
12 documentation showing that the discharge was other than dishonorable and the date of the veteran's discharge.

13 It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health
14 care provider providing the certification with any necessary authorization from the employee or the employee's
15 family member in order for the health care provider to release a complete and sufficient certification to the Board
16 to support the employee's FMLA request.

17 In all instances in which certification is requested, it is the employee's responsibility to provide the Board with
18 complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

19 Eligible employees who apply for any of the three (3) preceding types of FMLA leave must also execute and provide
20 to his/her health care provider a HIPAA-compliant release form.

21 If the Superintendent deems a medical certification to be incomplete or insufficient, the Superintendent shall notify
22 the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure
23 the deficiency. The Superintendent (i.e., the Board's health care provider, human resource professional, leave
24 administrator, or other management official, but not the employee's direct supervisor) may contact the certifying
25 health care provider for clarification concerning or to authenticate the content of a medical certification. The
26 representative, however, shall not ask the health care provider for additional information beyond that required by
27 the certification form.

28 Employees who take leave for "the employee's own serious health condition", prior to returning to work, must
29 submit to the Superintendent a "Fitness-for-Duty Certification". Again, the employee will need to have executed and
30 provided to his/her Health Care Provider a HIPAA-compliant form. An employee's return to work cannot be delayed
31 while inquiry is made regarding the results of any fitness-for-duty medical examination. No second or third fitness-
32 for-duty certifications shall be required.

33 Eligible employees who apply for FMLA leave for "Qualifying Exigency Leave" must submit DOL Form WH-384;
34 "Certification of Qualifying Exigency for Military Family Leave". Specifically, the first time the employee requests
35 Qualifying Exigency Leave, the employee must provide a copy of the qualifying family member's covered active
36 duty orders or other documentation issued by the military that indicates that the qualifying family member is on
37 covered active duty or call to covered active duty status, and the dates of the qualifying family member's covered
38 active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying
39 exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a
40 qualifying exigency includes:
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- A. appropriate facts supporting the need for leave, including any available written documentation supporting the request and the type of qualifying exigency;

- B. the appropriate date on which the qualifying exigency commenced or will commence, and, if requested for a single, continuous period of time, the beginning and end dates for such absence;

- C. where leave will be needed on an intermittent basis, an estimate of the frequency and duration of the qualifying exigency;

- D. appropriate contact information if the exigency involves meeting with a third party and a brief description of the purpose of the meeting; and if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders or other documentation issued by the military that indicates the military member has been granted Rest and Recuperation leave and the dates of such leave.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the Superintendent may verify the schedule and purpose of the meeting with the third party. Also, the Superintendent may contact the appropriate unit of the Department of Defense to confirm that the qualifying family member is on covered active duty or call to covered active duty status.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the District provides the employee with the applicable DOL Form unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. An employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good faith efforts to obtain such documents.

Light Duty

Time spent performing "light duty" work does not count against an employee's FMLA leave entitlement. Further, the District may not require an employee to return to "light duty" work who otherwise qualifies for FMLA leave simply because the District can accommodate any restrictions which the employee may have. However, failure to accept light or modified duty work may impact an employee's eligibility for workers' disability compensation benefits.

District Notices to Employee (Forms are available on the U.S. Department of Labor Website: www.dol.gov)

1 If the information included in the Employees Rights and Responsibilities Notice changes, the Superintendent will
2 inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the
3 need for FMLA leave subsequent to any change. The Superintendent's Office is charged with responsively
4 answering questions from employees concerning their rights and responsibilities.
5

6 If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where
7 the leave will be unscheduled), the Superintendent will provide this information upon request by the employee, but
8 no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount
9 of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be
10 confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such
11 notice may be in any form, including a notation on the employee's pay stub.
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13 **FMLA Leave and Mandatory Overtime**

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16 Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus,
17 hours that an employee would have been required to work but for the taking of FMLA leave will be counted against
18 the employee's FMLA entitlement.
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20 **Calculating the Amount of FMLA Leave Used by an Employee**

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23 For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur
24 within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the
25 employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the
26 employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the
27 holiday. Similarly, when an employee is not scheduled to work during winter, spring or summer vacation (i.e.,
28 during a period when some or all employees are not expected to work for one (1) or more weeks), the days the
29 employee is not scheduled to work shall not count against the employee's FMLA leave entitlement.
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31 When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the leave shall be
32 accounted for by using an increment no greater than the shortest period of time that the District uses to account for
33 use of other forms of leave provided that it is not greater than one (1) hour and provided that the employee's FMLA
34 leave entitlement is not reduced by more than the amount of leave actually taken.
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36 **Maintenance of Employee Benefits**

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39 The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained
40 during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall
41 be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care,
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1 hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained
2 during leave if provided in the District's group health plan, including a supplement to a group plan.

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5 If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be
6 reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period,
7 physical examination, exclusion of pre-existing conditions, etc.

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Exhaustion of FMLA Leave for Employee's Serious Health Condition

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Exhausting the twelve (12) weeks of leave requirement under the FMLA does not automatically establish that any
additional leave granted to the staff member would be an undue hardship under the Americans with Disabilities
Act. Each individual case shall be examined to determine whether leave in excess of twelve (12) weeks poses an
undue hardship should the employee's condition qualify under the disability laws. Additional leave will also be
considered under any other applicable policy, contract or collective bargaining agreement.

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ag1630.01A

FAMILY LEAVE

1630.01A - FAMILY LEAVE

The following guidelines are the appropriate portions of Section 104 of the Family and Medical Leave Act.

A district and a private elementary or secondary school shall not be in violation of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et. seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such district exercising the rights of such employee under this title.

(b) INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE FOR INSTRUCTIONAL EMPLOYEES

(1) IN GENERAL - Subject to paragraph (2), in any case in which an eligible employee employed principally in an instructional capacity by any such district requests leave under subparagraph (C) and (D) of Policy 1630.01 that is foreseeable based on planned medical treatment and the employee would be on leave for greater than twenty percent (20%) of the total number of working days in the period during which the leave would extend, the district may require that such employee elect either --

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that--

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) APPLICATION - The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an eligible employee who complies with Policy 1630.01.

(c) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM

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The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by any such district:

(1) LEAVE MORE THAN FIVE (5) WEEKS PRIOR TO END OF TERM

If the eligible employee begins leave under Policy 1630.01 more than five (5) weeks prior to the end of the academic term, the district may require the employee to continue taking leave until the end of such term, if --

(A) the leave is of at least three (3) weeks duration; and

(B) the return to employment would occur during the three (3) week period before the end of such term.

(2) LEAVE LESS THAN FIVE (5) WEEKS PRIOR TO END OF TERM

If the eligible employee begins leave under subparagraph (A), (B), or (C) of Policy 1630.01 during the period that commences five (5) weeks prior to the end of the academic term, the district may require the employee to continue taking leave until the end of such term, if --

(A) the leave is of greater than two (2) weeks duration; and

(B) the return to employment would occur during the two (2) week period before the end of such term.

(3) LEAVE LESS THAN THREE (3) WEEKS PRIOR TO END OF TERM

If the eligible employee begins leave under subparagraph (A), (B), or (C) of Policy 1630.01 during the period that commences three (3) weeks prior to the end of the academic term and the duration of the leave is greater than five (5) working days, the district may require the employee to continue to take leave until the end of such term.

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(d) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION

For purposes of determinations under section 104(a)(1)(B) (relating to the restoration of an eligible employee to an equivalent position), in the case of a district or a private elementary or secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.

(e) REDUCTION OF THE AMOUNT OF LIABILITY

If a district or a private elementary or secondary school that has violated this title proves to the satisfaction of the court that the district or department had reasonable grounds for believing that the underlying act or omission was not a violation of this title, such court may, in the discretion of the court, reduce the amount of the liability provided for under section 107(a)(1)(A) to the amount and interest determined under clauses (i) and (ii), respectively, of such section.

If an instructional staff member requests to return to teaching before the end of an academic semester, but the District requires the teacher to remain on leave until the next academic semester, that additional leave time will not count against the staff member's twelve (12) week FMLA allotment.

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ag1630.01B

FMLA RECORDKEEPING REQUIREMENTS

1630.01B - FMLA RECORDKEEPING REQUIREMENTS

The Superintendent's Office is responsible for making, keeping, and preserving all relevant records pertaining to the Board of Education's obligations under the FMLA in accordance with the recordkeeping requirements of Section 11(c) of the Fair Labor Standards Act (FLSA) and in accordance with the final regulations applicable to the FMLA. Specifically, the Superintendent's Office is charged with keeping/preserving the records identified below in accordance with the District's Records Retention Schedule (see AG 8310A), and under no circumstances shall said records be kept for less than three (3) years. The records shall be available for inspection, copying, and transcription by representatives of the Department of Labor upon request.

The Superintendent's Office shall maintain records that disclose the following:

- A. Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.
- B. Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or a Board plan which is not also covered by FMLA.
- C. If FMLA leave is taken by eligible employees in increments of less than one (1) full day, the hours of the leave.
- D. Copies of employee notices of leave furnished to the District under FMLA, if in writing, and copies of all written notices given to employees as required under the FMLA and its implementing regulations (see 29 C.F.R. Section 825.300(b) through (c)). Copies may be maintained in employee personnel files.
- E. Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.
- F. Premium payments of employee benefits.

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G. Records of any dispute between the District and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the Superintendent or designee or employee of the reasons for the designation and for the disagreement.

Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files. If the Genetic Information Nondiscrimination Act of 2008 (GINA) is applicable, records and documents created for purposes of FMLA leave containing family medical history or genetic information as defined by GINA shall be maintained in accordance with the confidentiality requirements of Title II of GINA (29 C.F.R. 1635.9), which allow for disclosure consistent with FMLA requirements. If the ADA, as amended, is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (see 29 C.F.R. 1630.14(c)(1)), except that:

A. supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;

B. first aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and

C. government officials investigating compliance with FMLA (or other pertinent laws) shall be provided relevant information upon request.

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ag1662A

REPORTING THREATENING BEHAVIORS

1662A - REPORTING THREATENING BEHAVIORS

Threatening behavior may take different forms including, but not limited to the following:

- A. face-to-face encounters in which words are used that indicate to the staff member that his/her safety and well-being are in jeopardy
- B. any conduct or written/oral communications that include comments toward the staff member or his/her family which would imply or state explicitly that the staff member and/or his/her family may be subject to some form of physical or psychological abuse or violence
- C. written or spoken comments to a staff member which could subject him/her to blackmail or extortion
- D. written or spoken communication that would imply or explicitly state that some form of damage may be done to the staff member's property or that of his/her family

Any staff member who believes that s/he is the victim of any of the above actions or has observed such actions taken by a student, parent, fellow staff member, supervisor, co-worker, or other person associated with the District such as a vendor, contractor, volunteer, or school official should take promptly the following steps:

- A. If the alleged threatener is the staff member's supervisor, the affected employee should, as soon as possible after the incident, contact the Superintendent. If the Superintendent is the alleged threatener contact the Board of Education.
- B. If the alleged threatener is not the staff member's supervisor, the affected staff member should, as soon as possible after the incident, contact his/her supervisor.
- C. If the threatener is a student of the District, the supervisor, if not the student's principal, should immediately inform the student's principal of the alleged threat.

1 The staff member may make contact either by a written report or by telephone or personal visit. During this
2 contact, the reporting staff member should provide the name of the person(s) whom s/he believes to be
3 responsible for the harassment and the nature of the harassing incident(s). A written summary of each such report
4 is to be prepared promptly by the staff member receiving the report and forwarded to the Superintendent.

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6 Each report received by the supervisor or Superintendent as provided above, shall be investigated in a timely and
7 confidential manner. While a charge is under investigation, no information is to be released to anyone who is not
8 involved with the investigation, except as may be required by law or in the context of a legal or administrative
9 proceeding. No one involved is to discuss the subject outside of the investigation.

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12 The purpose of this provision is to:

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14 A. protect the confidentiality of the staff member who files a complaint;

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17 B. encourage the reporting of any incidents of threat;

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20 C. protect the reputation of any party wrongfully charged with threatening conduct.

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23 Investigation of a complaint will normally include conferring with the parties involved and any named or apparent
24 witnesses. All staff members and others involved are to be protected from coercion, intimidation, retaliation, or
25 discrimination for filing a complaint or assisting in an investigation.

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28 If the investigation reveals that the complaint is valid, then prompt, appropriate, remedial, and/or disciplinary
29 action will be taken immediately to prevent the continuance of the threat or its recurrence.

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31 The District recognizes that determining whether a particular action or incident is a threat must be based on all of
32 the facts in the matter. Given the nature of this type of intimidation, the District recognizes that false accusations of
33 a threat can have serious effects on innocent individuals. Accordingly, all staff members are expected to act
34 responsibly, honestly, and with the utmost candor whenever they present threat allegations or charges against
35 fellow staff members, students, or others associated with the District.

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ag1662

ANTI-HARASSMENT

1662- ANTI-HARASSMENT

Prohibited Behavior

A. Conduct constituting sexual harassment may take different forms, including, but not limited to, the following:

1. Verbal:

The making of offensive written or oral sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward or by a fellow staff member, student, or other person associated with the District, or third parties.

2. Nonverbal:

Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to or by a fellow staff member, student, or other person associated with the District, or third parties.

3. Physical Contact:

Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body, or coerced sexual activity with or by a fellow staff member, student, or other person associated with the District, or third parties. With respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by District employees or other adult members of the School District community.

B. Conduct constituting harassment on the basis of race, color, national origin, disability, age, religion, ancestry, or genetic information may take different forms, including, but not limited to, the following:

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1. Verbal:

The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

2. Nonverbal:

Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

3. Physical:

Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a fellow staff member, student, or other person associated with the District, or third parties, based upon the person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

C. Examples of inappropriate boundary invasions include, but are not limited to the following:

- 1. hugging, kissing, or other physical contact with a student

- 2. telling sexual jokes to students

- 3. engaging in talk containing sexual innuendo or banter with students

- 4. talking about sexual topics that are not related to curriculum

- 5. showing pornography to a student

- 6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship")

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7. initiating or extending contact with students beyond the school day for personal purposes
8. using e-mail, text-messaging, websites or other social media services to discuss personal topics or interests with students
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences)
11. going to a student's home for non-educational purposes
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student)
13. giving gifts or money to a student for no legitimate educational purpose
14. accepting gifts or money from a student for no legitimate educational purpose
15. being overly "touchy" with students
16. favoring certain students by inviting them to come to the classroom at non-class times
17. getting a student out of class to visit with the staff member
18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so

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- 19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues)
- 20. being alone with a student behind closed doors without a legitimate educational purpose
- 21. telling a student "secrets" and having "secrets" with a student
- 22. other similar activities or behavior

Investigation and Complaint Procedure

In determining whether alleged conduct constitutes a violation of Policy 1662, the following factors will be considered:

- A. the nature of the behavior;
- B. how often the conduct occurred;
- C. whether there were past incidents or past continuing patterns of behavior;
- D. the relationship between the parties involved;
- E. the race, national origin, sex (including sexual orientation and transgender identity), disability, age, religious beliefs and ancestry of the victim, and in the case of genetic information harassment, the genetic information of the employee victim;
- F. the identity of the perpetrator, including whether the perpetrator was in a position of power over the person allegedly subjected to harassment;
- G. the number of alleged harasser(s);

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- H. the age of the alleged harasser(s);

- I. where the harassment occurred;

- J. whether there have been other incidents in the school involving the same or other individuals;

- K. whether the conduct adversely affected the person's work or education performance or environment;

- L. the context in which the alleged incidents occurred;

- M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution; and

- N. whether a particular action or incident constitutes a violation of Policy 1662 requires a determination based on all the facts and surrounding circumstances.

Content of Compliance Officer's Written Report to the Superintendent

The Compliance Officer's written report to the Superintendent should contain the following information/documentation:

- A. name of the alleged victim, and any pertinent information concerning the individual as it relates to the Protected Class(es) involved in the alleged misconduct (e.g., the individual's race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, ancestry or genetic information), and the same information concerning the person who reported the alleged misconduct (if the reporter was not the alleged victim);

- B. the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident;

- C. the name of all persons alleged to have committed the alleged unlawful harassment or retaliation, if known, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

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D. the names of all known witnesses to the alleged incident, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;

E. any written statements prepared by or on behalf of the reporter, the alleged victim (if different), the accused individuals, and any known witnesses;

F. the outcome of the investigation; and

G. the response of school personnel, and, if applicable, District-level officials, including the date any incident was reported to local law enforcement or children services.

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NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

2266 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

This guideline provides additional information about the District’s procedures in addressing allegations of sex discrimination, including Sexual Harassment. All information below supplements Board Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities. To the extent, there is a conflict between these guidelines and Policy 2266, the Policy controls.

General Information

Sexual Harassment: Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (often called “*quid pro quo*” harassment);
- B. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature that is determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- C. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)A(v), or “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Sexual Harassment may involve the behavior of a person of any gender against a person of the same or another gender.

The following conduct – if sufficiently severe, pervasive, **and** objectively offensive – may constitute Sexual Harassment (this list provides examples and is not meant to be exhaustive or exclusive):

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

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- B. unwanted physical and/or sexual contact;
- C. threats or insinuations implying that a person's conditions of education or employment may be adversely affected by not submitting to sexual advances;
- D. unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, profanity, jokes, or innuendoes;
- E. sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature;
- F. unwelcome and inappropriate touching, patting, or pinching;
- G. asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- H. speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; and
- J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

Sexual assault, for purposes of Policy 2266, refers to any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (e.g., due to the person's age, intellectual or other disability, or use of drugs or alcohol). Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape. All such acts of sexual assault are forms of Sexual Harassment and, in turn, sex discrimination prohibited by Title IX and Policy 2266.

Two critical components of assessing allegations of sexual assault involve the concepts of "consent" and a person being "incapacitated." Policy 2266 states that "consent" involves words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person, however, may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.

Determining whether there was consent is a critical factor in evaluating whether a sexual assault occurred. As defined above, consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through manipulation, force, or coercion of any kind, and requires having cognitive ability to agree to participate. Force involves the use, or the threatened use, of physical violence to achieve sexual access. Force further includes the use of a person's body in a physically imposing manner to elicit unwelcome or unwanted sexual contact. Coercion involves unreasonable pressure for sexual activity or contact.

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3 Consent requires an outward demonstration, through mutually understandable words, conduct or action,
4 indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes lack of
5 consent, even if it sounds insincere or indecisive. Silence or an absence of resistance does not imply consent, and
6 consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with
7 another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific
8 sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately
9 stop.

10 Impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary mental or physical disability,
11 and being below the age of consent (age sixteen (16)) are factors that detract from or make consent impossible.

12 Incapacity is defined as an inability to make rational, reasonable decisions or judgments. Incapacitation is a state
13 where an individual cannot make an informed and rational decision to consent to engage in sexual contact because
14 the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when,
15 why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered
16 incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual
17 contact is occurring.

18 Incapacitation is found when the Respondent knew or should have known that the Complainant was incapacitated
19 when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to
20 recognize another person’s incapacitation.

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23 Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol of other
24 drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere
25 drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating
26 incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

- 27
28 A. decision-making ability;
- 29
30 B. awareness of consequences;
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32 C. ability to make informed judgments;
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34 D. capacity to appreciate the nature or circumstances of the act.
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38 No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated
39 include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

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42 **Title IX Coordinator(s)**

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The following individual(s) serve as the District Title IX Coordinator(s) and are responsible for overseeing and coordinating the District's efforts to comply with Title IX and its implementing regulations:

Valerie Orr
Superintendent
6655 Consear Rd.,
Ottawa Lake, MI 49267

734-856-1443 ext.101
val.orr@whiteford.k12.mi.us

Jason Mensing
Director of Student Advancement/Athletic Director
6655 Consear Rd.
Ottawa Lake, MI 49267

734-856-1443 ext. 103
mensing@whiteford.k12.mi.us

The Title IX Coordinator(s) reports directly to the Superintendent. Questions about Policy 2266 and/or this Administrative Guideline should be directed to the Title IX Coordinator(s).

Notices

The Title IX Coordinator's(s') name(s), title(s), and contact information – including office address(es), telephone number(s), and email address(es) - must be published on the District's website .and on each individual school's website.

Board Policy 2266 must also be published on the District's website and in each handbook or catalog that the District makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board.

Reports of Sexual Harassment

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All students and Board employees share responsibility for avoiding, discouraging, and reporting Sexual Harassment.

The Title IX Coordinator(s) shall be available during regular school/work hours to discuss Title IX questions, including questions related to Sexual Harassment, and assist students, parents/guardians, employees, other members of the School District community and Third Parties with any issues they may have related to Policy 2266. The Title IX Coordinator(s) shall accept reports of Sexual Harassment directly from any member of the School District community or any Third Party. Reports may be submitted in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') published contact information, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-work hours).

The District will be considered to have actual knowledge of Sexual Harassment or an allegation of Sexual Harassment if : (1) a Formal Complaint is filed by a Complainant (or a parent/guardian on behalf of a minor child); (2) a Board employee receives a report or otherwise has notice of an incident of Sexual Harassment or allegations of Sexual Harassment; or (3) a Board employee witnesses the misconduct. The District may also receive notice about Sexual Harassment in an indirect manner from a member of the local community, social networking sites, the media, or if the information is shared by survivors during public awareness events or campaigns.

When a Board employee files a report of Sexual Harassment or allegations of Sexual Harassment with the Title IX Coordinator, the employee is required to report all known details about the alleged Sexual Harassment, including: (1) the name of the alleged Respondent; (2) the person who experienced the alleged Sexual Harassment (i.e., the Complainant); (3) other persons involved in the alleged Sexual Harassment; and (4) any other relevant facts, such as date, time, and location.

When possible, before a reporting student or parent/guardian discloses the above information, the Board employee should inform the student and/or parent/guardian of the employee's obligation to report the information to the Title IX Coordinator.

The employee will also inform the student and/or parent/guardian of his/her right to file a Formal Complaint with the school and a separate complaint with local law enforcement.

Upon receiving a report of Sexual Harassment or allegations of Sexual Harassment, the Title IX Coordinator will provide the appropriate notice to the Complainant, discuss supportive measures with the Complainant, and explain the Formal Complaint process. The Title IX Coordinator will also inform the Complainant that s/he is available to assist the Complainant in filing a Formal Complaint if that is what the Complainant wants to do. The Title IX Coordinator will further explain to the Complainant that Federal law includes protections against retaliation, and that the District will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

1 If the report involves a student Respondent, while the Title IX Coordinator is communicating with the Complainant
2 concerning supportive measures and whether to file a Formal Complaint, the Superintendent will determine
3 whether the circumstances warrant consideration of emergency removal of the student Respondent.
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6 If the Title IX Coordinator decides that the situation calls for possible emergency removal of the student
7 Respondent, the Title IX Coordinator will direct the Principal to convene a team of educators and other appropriate
8 staff members (e.g., school psychologist, guidance counselor, mental health counselor, etc.) to conduct an
9 individualized safety and risk analysis. The team will be tasked with determining whether the student Respondent
10 poses an immediate threat to the physical health or safety of any student or other individual arising from the
11 allegations of Sexual Harassment that justifies removal.
12

13 If the team determines the student Respondent poses such a threat, it will recommend to the Principal that the
14 District implement an emergency removal (i.e., removal of the student Respondent from the school premises). If
15 the Principal agrees with the recommendation, the Principal will notify the student Respondent, remove the student
16 Respondent from the school premises for the remainder of the school day, and begin the process of suspending or
17 expelling the Respondent pursuant to M.C.L. 380.1311. The student Respondent will have an opportunity challenge
18 the team's recommendation and the Principal's corresponding decision to remove the student Respondent
19 immediately following the implementation of the removal. The challenge may be filed directly with the
20 Superintendent – even before any recommendation for expulsion is processed by the Superintendent – or by
21 following the due process procedures outlined in Policy 5610 – Emergency Removal, Suspension, and Expulsion of
22 Students and Policy 5611 – Due Process Rights.
23

24 **Formal Complaint of Sexual Harassment**

25 The Complainant (or his/her parent/guardian if the Complainant is a minor) may file a Formal Complaint with the
26 Title IX Coordinator. Alternatively, the Title IX Coordinator may sign a Formal Complaint. When deciding whether
27 to sign a Formal Complaint, the Title IX Coordinator should consider a variety of factors, including but not limited
28 to: (1) circumstances that suggest an increased risk of repeated Sexual Harassment, such as the alleged
29 Respondent's previous history of threats; (2) whether the Sexual Harassment was perpetrated with a weapon; (3)
30 the age of the student subjected to the Sexual Harassment; (4) and whether the school can obtain relevant evidence
31 through other means, such as from security cameras or witnesses.
32

33 The District will honor a student's or a parent's request to inform an alleged Respondent that the Title IX
34 Coordinator made the decision to proceed with signing the Formal Complaint without the student's or parent's
35 consent.
36

37 The Title IX Coordinator must balance the student's or parent's request that a Formal Complaint not be initiated
38 with the District's obligation to provide a safe and non-discriminatory environment for all students.
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41 Even when the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a Complainant; the
42 Complainant remains the individual who is alleged to be the victim of conduct that could constitute Sexual

1 Harassment.

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4 Upon receipt of a Formal Complaint, the District will follow its Grievance Process, and undertake an objective
5 evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. The Respondent is
6 presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the
7 conclusion of the grievance process.
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9 **Grievance Process**

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12 The District’s grievance process are detailed in Policy 2266. The grievance process seeks a prompt and equitable
13 resolution of the Formal Complaint.
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16 It is critical that the Title IX Coordinator, and any investigator, decision-maker or person designated to facilitate an
17 informal resolution, does not have a conflict of interest or bias for or against Complainants and Respondents
18 generally or any individual Complainant(s) or Respondent(s).
19

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21 The Title IX Coordinator shall appoint an investigator (unless the Title IX Coordinator intends to serve as the
22 investigator) and a decision-maker to assist the District in resolving the Formal Complaint. Upon being assigned to
23 conduct an investigation or to serve as a decision-maker, the investigator and the decision-maker shall confirm in
24 writing that they do not have a conflict of interest or bias for or against Complainants and Respondents generally.
25 The investigator and decision-maker shall also – after learning the name(s) of the Complainant(s) and Respondent(s)
26 – confirm in writing that they do not have a conflict of interest or bias for or against the individual Complainant(s)
27 and Respondent(s) involved in the specific Formal Complaint.
28

29 In appropriate circumstances, the Title IX Coordinator may appoint/assign a person to facilitate an informal
30 resolution process. The facilitator must confirm in writing that s/he does not have a conflict of interest or bias for
31 or against Complainants and Respondents generally, and does not have a conflict of interest or bias for or against
32 the individual Complainant(s) and Respondent(s) involved in the specific Formal Complaint.
33

34 Within two (2) days of learning of the identity of the investigator, decision-maker, and/or facilitator of the informal
35 resolution process, the Complainant and/or Respondent may submit a written objection to the Title IX Coordinator
36 concerning the investigator, decision-maker and/or facilitator of the informal resolution process, based upon an
37 actual or perceived conflict of interest or bias for or against complainants and/or respondents generally or either
38 party to the Formal Complaint. The objecting party must explain the basis for the contention that the investigator,
39 decision-maker and/or facilitator of the informal resolution process has a conflict of interest or is biased and
40 submit any substantiating evidence. Within two (2) days of receiving the written objection, the Title IX Coordinator
41 will decide whether to replace the investigator, decision-maker and/or facilitator of the informal resolution process,
42 and notify the parties of the decision, including the reasons for it.

1 If there is an ongoing criminal investigation involving the incident that is the subject of the Formal Complaint, the
2 Title IX Coordinator will seek to implement the District's grievance process in a manner that does not unduly impact
3 the criminal investigation. To the extent appropriate, the Title IX Coordinator and/or the District-assigned
4 investigator will consider whether information can be shared among the criminal investigators and the District-
5 assigned investigator so that the Complainant(s) is/are not unnecessarily required to give multiple statements about
6 an alleged traumatic event. If the investigation includes forensic evidence, the District-assigned investigator may
7 consult with a school resource officer, local law enforcement or a forensic expert to ensure that the District-assigned
8 investigator is correctly interpreting the evidence.

9
10 While the District will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own
11 Title IX investigation, it may delay temporarily the investigation portion of the grievance process while the police
12 are gathering evidence. During this delay in the Title IX investigation, the Title IX Coordinator will implement
13 supportive measures. The Title IX Coordinator will also continue to provide reasonable updates to the parties on
14 the status of the investigation and inform the parties when the school resumes its Title IX investigation.

15 If the Title IX Coordinator delays the investigation portion of a Title IX investigation due to an ongoing criminal
16 investigation, it will promptly resume and complete the investigation once the District learns that the applicable law
17 enforcement has completed its evidence-gathering stage of the criminal investigation. The District will not
18 unreasonably delay its investigation or the determination of responsibility until the ultimate outcome of the
19 criminal investigation or the filing of any charges. The District may work with its school resource officer(s), local law
20 enforcement, and local prosecutor's office to learn when the evidence-gathering stage of the criminal investigation
21 is complete.

22 **Off Campus Sexual Harassment**

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26 The District is required to investigate a Formal Complaint that involves conduct that occurred in the District's
27 education program or activity, even if the conduct occurred off school property. The District's education program
28 or activity includes locations, events, and circumstances in the United States over which the Board exercises
29 substantial control over the Respondent and the context in which the Sexual Harassment occurs. The Title IX
30 Coordinator shall determine whether any alleged off-campus Sexual Harassment occurred in an educational
31 program context or school activity. If it did, the grievance process shall apply and be implemented in the same
32 manner as with an on-campus complaint. Whether the alleged misconduct occurred in this context may not always
33 be apparent from the initial complaint, so the Title IX Coordinator may need to gather additional information to
34 make such a determination. Off-campus educational programs and activities include school-sponsored field trips,
35 athletic team travel, and school club events.

36 Upon receipt of a report of Sexual Harassment made pursuant to Policy 2266, the Title IX Coordinator will conduct
37 a preliminary assessment to determine:

- 38
- 39 A. Whether the alleged conduct, as reported, falls, or could fall, within the scope of Policy 2266; and
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- 41 B. Whether the alleged conduct, as reported, constitutes, or could constitute, Sexual Harassment.
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If the Title IX Coordinator determines that the alleged conduct could not fall within the scope of Policy 2266, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter and notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to the Principal or another staff member, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of Policy 2266, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator shall contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

Upon receipt of a Formal Complaint, the Title IX Coordinator will confirm whether the alleged conduct falls within the scope of Policy 2266, including whether the conduct, as reported, constitutes or could constitute Sexual Harassment, and whether the incident(s) occurred within the context of the District's education program or activity. If the Title IX Coordinator determines the conduct did not occur in the context of an educational program or activity, or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will dismiss the Formal Complaint but may refer the matter to the Principal to consider whether the alleged misconduct, while not a Title IX violation, may still involve the creation of an impermissible hostile or discriminatory environment that is prohibited under the Board's other nondiscrimination and anti-harassment policies.

Supportive Measures

Supportive measures involve non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Supportive measures must be offered to the Complainant after a report of Sexual Harassment is made and regardless of whether a Formal Complaint is filed, and to both the Complainant and the Respondent after a Formal Complaint is filed.

The District will implement supportive measures that are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter Sexual Harassment. The District will contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), and other similar measures (e.g., instituting changes to

1 extracurricular activities, transportation, and lunch in order to allow the Complainant and Respondent to avoid
2 contact; informing the Complainant of other available resources, such as victim advocacy, academic support,
3 disability services, health and mental health services, the right to report a crime to local law enforcement, the right
4 to seek judicial no-contact, restraining and protective orders, and other forms of legal assistance).

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6 The Title IX Coordinator will determine appropriate supportive measures on a case-by-case basis.
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9 **Notice Provided Prior to a Meeting, Interview or Hearing**

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12 In advance of any interview, meeting or hearing, the Title IX Coordinator, investigator and/or decision-maker will
13 transmit a written notice to the Complainant and Respondent that includes:
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- 15
- 16 A. a physical copy of Policy 2266 or a hyperlink to Policy 2266;
 - 17
 - 18 B. sufficient details known at the time so that the parties may prepare for an initial interview with the
19 investigator, including the identities of the parties involved in the incident (if known), the conduct allegedly
20 constituting Sexual Harassment, and the date and location of the alleged incident (if known);
 - 21
 - 22 C. a statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a
23 determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
 - 24
 - 25 D. notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;
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 - 27 E. notifying the Complainant and Respondent of their right to inspect and review evidence;
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 - 29 F. notifying the Complainant and Respondent of the District's prohibitions on retaliation and false statements;
30 and
 - 31
 - 32 G. information about resources that are available at the District and in the community.
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35 Should the Title IX Coordinator decide, at any point, to investigate allegations that are materially beyond the scope
36 of the initial written notice, the Title IX Coordinator will provide a supplemental written notice describing the
37 additional allegations to be investigated.
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40 **Role of Advisors**
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All parties are entitled to have an advisor of their choosing to assist them throughout the grievance process. The advisor may be a parent/guardian, relative, friend, attorney, or any other supporter that the party chooses to advise them who is eligible and available. A party may not select a person who is identified as or may be called as a witness to serve as an advisor, with the exception of a parent/guardian.

The parties are expected to notify the Title IX Coordinator, investigator and/or decision-maker of the identity of their advisors at least two (2) days before any meeting, interview or hearing. A party may change advisors during the grievance process but needs to provide a minimum of two (2) days advanced notice to the Title IX Coordinator, investigator and/or decision-maker, as appropriate.

Advisors are expected to conduct themselves in a professional and ethical manner, with integrity and in good faith.

All advisors are subject to the same rules, regardless of whether they are an attorney or not. The Title IX Coordinator, the investigator and the decision-maker shall have discretion to determine whether advisors may be permitted to present on behalf of the Complainant or Respondent in a meeting, interview or hearing. Under no circumstances would a parent/guardian be prevented from doing so. Any limitations placed on the advisors shall apply to the advisors for all parties. If it is determined the advisors are not permitted to present on behalf of the Complainant or Respondent, the advisor should request or wait for a break in the proceeding before interacting with District officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. Advisors may request breaks, as needed, in order to confer with their advisees.

Prior to the first meeting, interview, or hearing, the Title IX Coordinator, the investigator or the decision-maker will meet or speak with the advisors to clarify their roles and answer any questions they may have.

Advisors are prohibited from interfering with the investigation or the grievance process. If an advisor acts in a disruptive manner or outside the role at a meeting, interview, or hearing, the District official in charge of the meeting, interview or hearing will warn the advisor. If the advisor continues to disrupt the proceeding or act in an unprofessional manner, the advisor will be asked to leave and will be dismissed from the meeting, interview or hearing. Except with respect to a hearing, the meeting or interview will typically continue after the advisor is excused. The Title IX Coordinator will subsequently decide whether the original advisor will be reinstated or will need to be replaced by a different advisor.

In order for the District to share documentation related to the allegations pertaining to a student with the student party's advisor, the Eligible Student or the student party's parent/guardian must provide written consent authorizing such sharing.

The parties are not restricted from discussing or sharing information related to the allegations with their advisor or others who may support or assist them in the process.

1 Consistent with the Title IX regulations, advisors are required to maintain the privacy of records shared with them
2 by the District during the grievance process; pursuant to FERPA, the records may not be shared with third parties,
3 disclosed publicly, or used for purposes unrelated to the grievance process.
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6 If an advisor is unable to attend a meeting in person, the District official in charge of the meeting will attempt to
7 arrange for the advisor to participate by telephone, video, and/or virtual meeting.
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10 If a party is a Board employee who is entitled to a union representative, the Board employee may be accompanied
11 by both a union representative as well as another advisor at any meeting, interview or hearing .
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13 Remedies

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16 If the decision-maker(s) determines the Respondent is responsible for violating Policy 2266, the District will take
17 prompt and effective steps to end the sex discrimination/Sexual Harassment, eliminate the hostile
18 environment, prevent its recurrence, and remedy its effects. The decision-makers(s') written determination should
19 recommend to the Title IX Coordinator and the Superintendent appropriate remedies that may include, but are not
20 limited to:
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22 A. providing an escort for the Complainant to move safely between classes and activities;

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24 B. ensuring the Complainant and Respondent do not share classes or extracurricular activities (e.g., re-
25 arranging schedules at the Complainant's request);
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27 C. moving the Respondent or Complainant to another school within the District;
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29 D. providing medical, counseling, and academic support services to the Complainant and/or Respondent;
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31 E. affording/arranging for the Complainant to have extra time to complete or re take classes or exams without
32 academic penalty (e.g., the Complainant is provided extensions on due dates for papers, assignments,
33 quizzes, tests, etc.);
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35 F. reviewing disciplinary proceedings/actions against the Complainant to see if there is a causal connection
36 between the Sexual Harassment and the misconduct that may have resulted in the Complainant being
37 disciplined;
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39 G. initiating evaluations for special education or accommodations/modifications under the Individuals with
40 Disabilities Education Improvement Act (IDEA) or Section 504 of the Rehabilitation Act of 1973;
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1 H. imposing disciplinary sanctions/consequences, up to and including expulsion or permanent exclusion on a
2 student Respondent and termination on an employee Respondent; and

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4 I. ordering other global remedies such as:

5 1. training or re-training employees;

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7 2. developing and distributing materials on Sexual Harassment;

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9 3. conducting Sexual Harassment prevention programs; and/or

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11 4. conducting climate checks/surveys.
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15 **Training**

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18 All Employees – given that the District is considered to have actual knowledge of Sexual Harassment or allegations
19 of Sexual Harassment if any Board employee has notice of same, all Board employees shall receive training in:

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22 A. the definition of Sexual Harassment (as that term is used in Policy 2266);

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24 B. the behaviors and conduct that lead to and result in Sexual Harassment;

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26 C. the attitudes of bystanders allowing the misconduct to continue;

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28 D. the potential for re-victimization by Board employees and its effect on students;

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30 E. appropriate methods for responding to a student who may have experienced Sexual Harassment, including
31 the use of nonjudgmental language;

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33 F. the impact of trauma on victims;

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36 G. the person(s) to whom such misconduct must be reported, including the contact information for the Title IX
37 Coordinator(s); and

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39 H. what information should be included in a report, the consequences for failing to report, and what
40 information must be provided to the student and/or parent. For example, Board employees will be trained
41 to inform students about:
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- 1. the employee’s reporting responsibilities; and

- 2. their right to file a Title IX complaint with the school and to report a crime to local law enforcement. Board employees shall be trained to report to the Title IX Coordinator(s) both allegations of and actual incident(s) involving Sexual Harassment, without determining first whether the incident or allegations meet the applicable definition of Sexual Harassment or are substantiated.

Title IX Coordinator(s)/Investigator(s)/Decision-Maker(s)/Facilitators of Informal Resolution Process

The District’s Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or persons designated to facilitate an informal resolution process, shall receive training on the definition of Sexual Harassment (as that term is used in Policy 2266), the scope of the District’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

The training shall include information on the following topics:

- A. working with and interviewing persons subjected to Sexual Harassment;

- B. particular types of conduct that constitute Sexual Harassment;

- C. the proper standard of review for Formal Complaints;

- D. consent, incapacity, coercion, force, and the role age, mental or physical disability, and/or drugs or alcohol can play in a person’s ability to consent;

- E. the need for remedial actions for the Respondent, Complainant, and school community;

- F. how to determine credibility;

- G. how to evaluate evidence and weigh it in an impartial manner;

- H. how to conduct investigations;

- I. confidentiality;

- J. the effects of trauma, including neurobiological change; and

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K. cultural awareness training about how Sexual Harassment may impact students differently depending on their cultural backgrounds.

Decision-makers must also receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on how to prepare an investigative report that fairly summarizes relevant evidence.

Any materials used to Train IX Coordinators, investigators, decision-makers, and any persons who facilitate an informal resolution process, must not rely on sex stereotypes, and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

Students

The District shall provide age-appropriate education about Sexual Harassment to students. In the younger grades, the District will cover these topics in its anti-bullying and harassment training. In the older grades, students will receive training in specific topics, including:

- A. Title IX and what constitutes Sexual Harassment under the school's policies;
- B. the school's definition of consent applicable to sexual conduct, including examples;
- C. how the school analyzes whether conduct was unwelcome under Title IX;
- D. how the school analyzes whether unwelcome sexual conduct creates a hostile environment;
- E. reporting options, including how to file a Formal Complaint and any timeframes set by the school for reporting;
- F. the school's grievance process used to address reports of and Formal Complaints alleging Sexual Harassment;
- G. disciplinary code provisions relating to Sexual Harassment and the consequences of violating those provisions;

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- H. effects of trauma, including neurobiological changes;

- I. the role alcohol and drugs often play in Sexual Harassment incidents, including the deliberate use of alcohol and/or other drugs to perpetrate Sexual Harassment;

- J. strategies and skills for bystanders to intervene to prevent possible Sexual Harassment;

- K. how to report Sexual Harassment to school officials and local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and

- L. Title IX's protections against retaliation.

The training will also encourage students to report Sexual Harassment, even if they are unsure whether the incident meets the definition of Sexual Harassment contained in Policy 2266. The District will emphasize that its primary concern is student safety, and that use of alcohol or drugs never makes the alleged victim at fault for Sexual Harassment.

The District shall specifically inform students that all Board employees are responsible for reporting information involving Sexual Harassment to the Title IX Coordinator(s), including the need to report the names of the alleged Complainant and Respondent, as well as relevant facts including the date, time, and location. The issue of confidentiality will be discussed during the training.

Further, the District shall identify the individuals with whom students can speak confidentially and offer information about resources such as victim advocacy, academic support, counseling, disability services, and health and mental health services.

The District shall provide the above trainings on a regular basis and periodically review their efficacy.

Retaliation

Federal law strictly prohibits retaliation against a Complainant, Respondent, or witness. The Title IX Coordinator will inform the Complainant, Respondent and other individuals who participate in the grievance process of this prohibition and direct the Complainant to report any retaliation, whether by students, Board employees, or other members of the School District community or Third Parties that is directed toward the Complainant. Upon learning of alleged retaliation, the Title IX Coordinator and/or the Superintendent will take strong responsive action as appropriate.

Contact Information for the Office of Civil Rights

Individuals may submit questions or file complaints relating to Title IX with the U.S. Department of Education's Office for Civil Rights at any time. OCR's regional office in Cleveland has jurisdiction for all of Michigan:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue
Suite 325
Cleveland, Ohio 44115
(216) 522-4970
FAX: (216) 522-2573
TDD: (216) 522-4944
E-mail: OCR.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>

Retention of Investigatory Records and Materials

The Title IX Coordinator is responsible for overseeing retention of all records that must be maintained pursuant to Policy 2266. All investigators, decision-makers (including decision-makers of appeals) and facilitators of informal resolution processes shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, determination of responsibility, or informal resolution process, which may include but are not limited to:

A. all written reports, allegations, Formal Complaints, statements, and responses pertaining to an alleged violation of Policy 2266;

B. any narratives that memorialize oral reports, allegations, Formal Complaints, statements, and responses pertaining to an alleged violation of Policy 2266;

C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation, determination of responsibility, and/or the District's response to an alleged violation of Policy 2266;

D. written witness statements;

E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

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- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of Policy 2266 (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of Policy 2266;
- I. dated written determinations of responsibility/investigative reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of Policy 2266;
- J. documentation of any supportive measures offered and/or provided to Complainants and/or Respondents, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of Policy 2266 (e.g., Student Code of Conduct and/or Employee/Administrator Handbooks);
- M. copies of any documentation that memorializes any informal resolution to a Formal Complaint of Sexual Harassment;
- N. documentation of any training provided to Board employees related to Policy 2266, including but not limited to, notification of the prohibitions and expectations of staff set forth in the policy and the role and responsibility of all Board employees related to enforcement of Policy 2266, including their duty to report alleged violations of the policy and/or conducting an investigation and making a determination of responsibility related to any Formal Complaints of Sexual Harassment;
- O. documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the Respondent that detail allegations of conduct that may constitute a violation of Policy 2266;

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Q. copies of the notices sent to the Complainant and Respondent in advance of any interview, hearing or meeting;

R. copies of any documentation or evidence used during an investigatory meeting or hearing, including the investigative report, and any written responses submitted by the Complainant or the Respondent to it.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation or proceeding related to determination of responsibility shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than seven (7) calendar years, but longer if otherwise required by the District's records retention schedule.

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PROPERTY

ag7420F

HAND WASHING PROTOCOL

7420F - HAND WASHING PROTOCOL

Hand washing and personal hygiene are important measures for use to prevent illness and communicable diseases. Hand washing with soap and warm water for a minimum of twenty (20) seconds, paying close attention to the surfaces between the fingers and on the back of the hands, is best for removing dirt and germs.

Students and staff should wash their hands with soap and water in the following situations:

- A. after using the restroom;
- B. before and after eating;
- C. if hands are visibly soiled;
- D. upon encounter with chemicals or other items, such as soil, in a science lab, art room, career/tech facility or other activity that may soil hands;
- E. upon encounter with chemicals during cleaning processes;
- F. after cleaning animal habitats, and before and after handling animals;
- G. before and after food preparation activities in family science or other integrated class;
- H. after athletic practices and games;
- I. upon encounter with bodily fluids (e.g. blood, nasal discharge, mucous from coughing, etc.);
- J. after recess;
- K. after sneezing or coughing.

When soap and water are not available and hands are not visibly soiled waterless disposable hand wipes or gel sanitizer (that contains at least sixty percent (60%) alcohol can be used for staff and older children who can safely use hand sanitizer) may be used in place of hand washing, however, not all sanitizers are effective.

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Proper education in hand washing and hand hygiene shall be provided and good hand washing habits shall be encouraged.

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ag8420E

PANDEMICS AND OTHER MEDICAL EMERGENCIES

8420E - PANDEMICS AND OTHER MEDICAL EMERGENCIES

A pandemic is an outbreak of an infectious disease. The Superintendent shall establish a Pandemic Response Team ("PRT") to develop a Pandemic Plan in coordination with local government and law enforcement officials.

The Pandemic Plan should include:

- A. a communication method for school schedule changes, busing changes, and school closure;
- B. an educational pandemic prevention program for staff and students;
- C. provision for the business office to maintain continuity of operations during a pandemic;
- D. provision for distance-based learning for students (i.e., Internet instruction, community channel broadcast) to maintain continuity of education;
- E. policies and procedures for staff and student absences and extended leaves of absence due to a pandemic;
- F. policies and procedures for isolation and possible transportation of students and staff who become ill at school due to a pandemic;
- G. a plan of communication regarding pandemic status to students, parents, and staff;
- H. a plan for operating the District with less staff due to a pandemic;
- I. a designee responsible for establishing timelines within the Pandemic Plan and ensuring that such timelines are met and implementation of the plan occurs; and

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J. other emergency procedures necessary for the District to deal with a pandemic.

The Pandemic Plan should be reviewed annually by the PRT and updated as appropriate.

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ag8450

MANAGEMENT OF SELECTED CASUAL-CONTACT DISEASES

8450 - MANAGEMENT OF SELECTED CASUAL-CONTACT DISEASES

Diseases spread by airborne and/or direct contact with germs from sneezing, coughing, and speaking.

DISEASE	SYMPTOMS	INCUBATION PERIOD	CONTAGIOUS PERIOD	RETURN TO SCHOOL
CHICKENPOX (Varicella)	General discomfort, slight to high fever, headache, and loss of appetite. Lesions appear in bunches with most on upper body. Face and extremities are less affected. Typical lesions have teardrop shape surrounded by reddened area. Blistered (new) and broken and crusted (old) eruptions are on the skin at the same time.	10-21 days av: 14-16	5 days before rash to 6 days after rash first starts.	When lesions are dry and crusted and no new eruptions. At least 7 days after rash first appears.
FIFTH DISEASE (Erythema Infectiosum)	Rash begins as a solid red area on cheeks ("slapped cheek" appearance), spreading to upper arms and legs, trunk, hands and feet.	6-14 days	Probably 2 days.	Exclude for diagnosis. Before rash and 4-5 days later. Usually no treatment needed. Cause unknown.
INFLUENZA (Viral Influenza)	Starts suddenly with chills, fever, headache, muscle pains, and coughing. Followed by other cold symptoms.	24-72 hours	About 3 days from first symptoms.	About 3 days, at discretion of school nurse or principal.

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SCARLET FEVER (Scarletina)	Begins with fever and sore throat. Rash appears as a pink red flush which looks like a sunburn with goose pimples, that spreads to all parts of the body. Afterward, the skin peels off like a sunburn. Often the tongue has a "strawberry" appearance.	1-7 days av: 2-4 days	Variable. If not treated, can be contagious for months.	Exclude until 48 hours after treatment completed.
SPINAL MENINGITIS (Meningococcal) and (Haemophilus)	Sudden onset of high fever, headache, and stiff neck. In severe cases, delirium stupor or coma can also occur. In meningococcal meningitis small purplish spots are occasionally seen in skin and mucous membranes.	1-10 days av: 2-4 days	Unknown. Probably throughout the duration of symptoms.	Requires doctor's note for re-admittance.
STREP THROAT (Streptococcal sore throat)	Similar to scarlet fever but without a rash. A sore throat and fever are the most pronounced symptoms.	1-7 days av: 2-4 days.	Same as above.	Same as above.
ROSEOLA (Exanthem Subitum)	Sudden high fever (104°-105°F.) which falls with the appearance of a rash on about the third or fourth day. Rash consists of small rose-pink spots which first appear on the chest and abdomen but may spread to the face, legs, and arms. Rash is usually limited to only one or two days.	5-15 days	Unknown. The disease does not appear very contagious.	Until no symptoms.
RUBELLA (German Measles)	Rash begins on the face and spreads to the rest of the body within 24 hours and is usually gone by the end of the third day. Often present is a pronounced swelling of the lymph nodes behind the ear and at the base of the skull. Mild coughing,	14-21 days av: 16-18 days	7 days before to 7 days after rash onset.	7 days after rash onset.

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	sneezing, and reddened eyes are common early in the course of the illness.			
MEASLES (Rubeola)	Begins 3 to 4 days of gradually increasing fever, runny nose, (red) inflamed eyes, and especially coughing. Rash usually begins around ears and hairline, spreading down to cover face, trunk and arms by second day. Rash is initially bright pink with distinct raised spots. Tiny blue-white pinpoint sized swelling inside the cheeks may be observed a day before the rash first appears. The rash usually last about five days. Sensitivity to light is also common.	8-13 days av: 10 days	4 days before rash and for up to 4 days after disappearance of the rash.	4 days after disappearance of the rash.
MUMPS (Infectious Parotitis)	Onset is gradual. There may be chills, discomfort, headache, pain below ears accompanied by a moderate fever of 101°-102°F. or higher followed by swelling of one or both salivary glands. Swelling is below and in front of ear. Usually swelling in one gland subsides as the other begins to swell. The ear lobe is often pushed forward by the swelling of the gland. Swelling usually lasts 5 to 7 days.	2 to 3 weeks av: 18 days	Usually 5 but may be as long as 7 to 9 days prior to the onset of salivary gland swelling.	5-9 days after onset and no symptoms.
TUBERCULOSIS (TB)	Starts with fever, night sweats, and weight loss early. Later symptoms include a persistent non-productive cough, chest pain, hoarseness, and coughing of blood.	2-10 weeks	Variable. After starting treatment with anti TB drugs, a patient may become non-infectious in as little as two weeks.	Requires a doctor's note for re admittance.

1 2 3 4 5 6 7 8	WHOOPING COUGH (Pertussis)	Coughing and sneezing followed 1 to 2 weeks later by breathing characterized by a series of short convulsive-like coughs, and a high pitched gasp of air called a whoop.	7-10 days av: 7 days	Early, when the patient has common cold like symptoms. The patient becomes less infectious as the convulsive-like coughs begin. Infectious stage ends in about four weeks.	Requires doctor's note for re admittance.
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Diseases spread by contact with tiny parasites on contaminated belongings of others.

DISEASE	SYMPTOMS	INCUBATION PERIOD	CONTAGIOUS PERIOD	RETURN TO SCHOOL
19 20 21 22 23 24 25 26	RINGWORM (Tinea Capitis; Tinea Corporis)	4-14 days	As long as any untreated lesions are present and spores persist on contaminated materials.	Return after treatment has begun—cover with bandaid or clothing, when possible.
29 30 31 32	PINWORM	3 weeks to 3 months	As long as the female worm survives in the intestine.	Return after treatment.

Diseases spread by the fecal-oral route - contamination of food, drink or objects placed in the mouth.

DISEASE	SYMPTOMS	INCUBATION PERIOD	CONTAGIOUS PERIOD	RETURN TO SCHOOL
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CAMPYLOBACTER (Vibriosis Vibrionic Enteritis)	Sudden onset of fever and abdominal pain and diarrhea which may be severe. May also be vomiting and sometimes blood in the stools.	1-10 days av: 3-5 days	Throughout the illness (1 to 4 days). If not treated, up to 7 weeks.	Requires doctor's note for re admittance.
GIARDIASIS (Protozoan Diarrhea)	Chronic, intermittent diarrhea, bloating, foul-smelling stools and fatigue and weight loss. Sometimes observable symptoms are not present.	1 to 4 weeks after exposure	Entire period of infection.	Same as above.
SALMONELLOSIS (Acute Gastro Enteritis) (Food Poisoning)	Sudden onset of fever, Abdominal cramps, diarrhea, and possibly vomiting.	6-72 hours av: 12-36 hours	Variable. Throughout course of illness.	Same as above.
SHIGELLOSIS (Bacillary Dysentery)	Sudden onset of fever, diarrhea, abdominal pain. Loss of appetite and vomiting may also occur. There may be blood, mucous, or pus in the stools.	1-7 days av: 2-3 days	From onset of illness until 4 weeks later.	Same as above.
VIRAL GASTROENTERITIS (Viral Diarrhea; Winter Vomiting Rotoviral Diarrhea)	Abrupt onset of nausea, vomiting, diarrhea, abdominal pain, and discomfort. Fever, if present, is usually low grade. Very contagious.	24-48 hours	From onset of illness until symptoms subside.	Same as above.

1	Hepatitis A (Infectious Hepatitis) (Epidemic Jaundice)	Sudden loss of appetite, nausea, and abdominal pain or discomfort. Within a few days, jaundice occurs with yellowing of eyes and skin and darkening of urine.	15-40 days av: 28 days	10-15 days before symptoms appear until the first few days of jaundice.	Same as above.
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Diseases spread by direct skin contact with wounds or discharges from an infected person.

DISEASE	SYMPTOMS	INCUBATION PERIOD	CONTAGIOUS PERIOD	RETURN TO SCHOOL
IMPETIGO (Impetigo Contagiosa)	Isolated pus filled spots which become crusted and break releasing a straw-colored fluid. Occurs principally around the mouth and nostrils.	4-10 days	As long as pus filled lesions continue to drain.	Return when lesions are dry, there is no weeping and under treatment. Cover, if possible, while at school.
PINKEYE (Epidemic Form of Acute Conjunctivitis)	Irritation of the eye accompanied by tears, swelling of the lids, extreme sensitivity to light, and a buildup of a sticky fluid that dries to a straw-colored, crusty material accumulating at the corners of the eye.	27-72 hours	During the period of active infection. Some children recover in only a few days but many cases take 2 to 3 weeks.	Until under treatment.

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RELATIONS

ag9120A

PUBLIC RELATIONS OBJECTIVES

9120A - PUBLIC RELATIONS OBJECTIVES

The purpose of the school-community relations program is to establish and maintain in the public mind both respect for the school system and confidence that it is providing the best possible education for the District's students in terms of intellectual, emotional, moral, social, and physical development.

To this end, parents and other District residents are to be kept informed regarding Federal/State regulations and District policies and guidelines.

The Superintendent shall be responsible for the District's public relations program which shall be designed to accomplish the following objectives to:

A. explain in an understandable, non-condescending manner, the programs, achievements, and needs of the schools to:

1. parents,
2. local officials,
3. community leaders,
4. local business and industry,
5. community organizations,
6. special interest groups,
7. the community as a whole,

B. anticipate potential problems caused by misunderstanding or lack of information and take measures to eliminate them before they happen;

C. operate meetings in accordance with law and as speedily and efficiently as circumstances permit.

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RELATIONS

ag9120B

PHOTOGRAPHS/PICTURES

9120B - PHOTOGRAPHS/PICTURES

The District has a need for photographs for use in personnel records, student records, school newsletters, general public information, and the like.

Whenever possible, a recent photograph should be obtained from each staff member and from each new staff member, upon employment. The photo shall be kept in the staff member's personnel file for use primarily in publicity about the staff member and/or the District.

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RELATIONS

ag9120C

NEWS MEDIA RELATIONS

9120C - NEWS MEDIA RELATIONS

The Superintendent will function as the District's communication representative with the news media. In order to maintain a progressive and coordinated program of public relations for the District, it is essential that:

- A. staff members not give school information or an interview requested by representatives of the news media without prior approval of the superintendent who will either set up an appointment for this purpose which will not interfere with the staff member's daily activities, or speak to the media representative about the matter personally;
- B. anyone given permission to photograph a nonpublic school event or activity must submit the photographs to principal for approval prior to their use in order to avoid possible invasion of privacy problems;
- C. in cases where there is doubt with regard to taste or privacy, but where it is felt that the publishing of the photograph serves a purpose which is in the best interests of the District, the principal will not authorize the use of the photograph without first obtaining a release from the individual(s) concerned or their parent or guardian;
- D. students are not permitted to provide information about school activities or an interview to representatives of the news media without prior approval of the principal who is to be present at all such meetings with news media representatives.

The District and each school's communications representative shall:

- A. provide media representatives upon their request with all facts that give a true picture to the best of his/her knowledge;
 - requesting, at the same time, that they not publish or broadcast any facts which are injurious to District personnel or students, or which would serve no constructive purpose;
- B. submit, suggest or request feature stories or articles to media representatives which are of interest or importance;
- C. provide an agenda and other "background" material to media representatives who attend meetings of the Board;

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D. assist various school-related groups in their relations with the news media;

E. protect school personnel from any unnecessary demands on their time by news media representatives.

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ag9130

COMPLAINT REVIEW COMMITTEE PROCEDURES

9130 - COMPLAINT REVIEW COMMITTEE PROCEDURES

The following procedures should be used by committees formed to review complaints concerning instructional materials.

A. Robert's Rules of Order shall be followed for conducting meetings.

A chairman and a secretary will be selected by the Superintendent prior to the initial meeting.

B. First Meeting:

1. Copies of the petitioner's complaint are distributed.
2. Copies of the material being challenged are distributed.
3. Relevant materials concerning the issue are made available.
4. The petitioner may make an oral presentation of not more than fifteen (15) minutes.
5. District staff may make an oral presentation of not more than fifteen (15) minutes.
6. The chairman directs each committee member to review the complaint carefully and be prepared to vote on the issue at the second meeting.

C. Second Meeting:

1. Committee discussion, led by the chairman.
2. Petitioner may be present to observe, but may not participate in the deliberations.
3. Vote of a simple majority of those present entitled to vote will determine the resolution of the complaint.
4. Only members who have read or viewed the material in its entirety may vote.

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5. Balloting will be written and confidential.

The vote will then be forwarded to the Superintendent for his/her review and decision.

Minutes of each meeting will be kept by the secretary and distributed to the petitioner, the committee, and the superintendent.

The petitioner may appeal the decision of the committee to the Board, who will have access to all materials made available to the committee as well as to the minutes of each meeting.

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RELATIONS

ag9130A

PROCEDURES FOR INSPECTION OF INSTRUCTIONAL MATERIALS

9130A - PROCEDURES FOR INSPECTION OF INSTRUCTIONAL MATERIALS

The following procedures should be used when a member of the public makes a request to inspect instructional materials.

Form 9130 F3 should be completed and submitted to the building principal. Upon receipt of Form 9130 F3, the building principal will contact the person making the request within ten (10) days to schedule an appointment for the person to come to the District to review and inspect the material indicated on Form 9130 F3. If, upon inspection and review, the person would like to file a complaint about the instructional materials, the person shall follow the complaint procedures outlined in Policy 9130 and AG 9130.

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ag9150

SCHOOL VISITORS

9150 - SCHOOL VISITORS

In order to protect the educational program of the schools from undue disturbance, each principal shall establish guidelines and procedures for visitors which shall include the following:

- A. Persons wishing to visit one or more schools are to make arrangement in advance through the school office of each school to be visited.
- B. Every visitor to a school must register at the school office. Sign-in lists showing name, time, person visiting, and time departing shall be maintained by the office. Any person who does not register with the school office is on school property without authorization and should be asked to identify himself/herself properly and obtain permission or to leave the school grounds. If the visitor refuses to leave the school grounds or creates any disturbance, the building principal should request aid from the SRO.
- C. No visitor may see a student in school unless it is with the specific approval of the parent/guardian. If an emergency situation requires that a student be called to the office to meet with a visitor, a member of the administrative staff must be present during the conference. A student is never to be permitted to leave the school with anyone who is not clearly identified as his/her parent or an appropriately authorized person.
- D. Students may not bring guests to school unless permission to do so has been granted by the building principal.
- E. Parents, other than those who have been asked by a teacher to be in the classroom, who wish to observe learning activities taking place in their child's classroom are to confer, in advance, with the principal and the teacher and state the purpose of the visitation.

It is important that each parent understands that because classroom visitations can be distracting to the students, the following guidelines have been established:

1. Visitations will not be allowed during examinations and independent study periods.
2. A visitation should be no longer than 85 minutes or one (1) class period.
3. The number of visitors at any one (1) time should not exceed two (2) parents.
4. The frequency of visits for any student's parents should be no more than once every four (4) weeks and the aggregate number of nonstaff visits per week should not exceed four (4).

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F. Parents are to be silent observers and are not to create any type of disturbance or disruption to the learning process.

G. Copies of instructional materials being used by the students or teacher may not always be immediately available during the visitation.

H. Any comments made by individual students are to be maintained in confidence by the visitor to the activity.

I. Use of audio or visual equipment to record classroom activities must be approved by the principal and the teacher. No visitor shall be allowed to videotape students in the classroom, without the prior consent of the principal, as it may violate the privacy rights of students unrelated to the visitor. Recording of other school activities to which the public is invited will be in accordance with AG 9160 - Attendance at Public Events.

J. If the nature and instructional purpose of any activity calls for students to be segregated by gender for purposes of privacy, only visitors of the same gender may observe those groups in the privacy areas.

K. Any comments or concerns are to be discussed with the teacher before or after the school day when students are not present.

L. If a parent or other visitor wishes to tape record a conversation with a teacher or the principal, s/he should request permission from the teacher or principal although the person is not obligated to do so. If the teacher or principal wishes to record a conversation with a parent or other visitor, s/he is to inform that person that the conversation is being recorded before the conversation begins.

A copy of these guidelines (Form 9150 F1) is to be given to and signed by each nonstaff visitor to a classroom as an indication that s/he understands the guidelines.

Visitors are to be encouraged to meet with the principal and teacher during noninstructional hours to discuss the observation and to obtain answers to their questions. If a parent has a concern about what may be transpiring in his/her child's classroom, s/he should follow the Board's Policy 9130 which states that the parent is to address the matter first with the teacher and, if not rectified, to then meet with the principal.

M. No staff member is to transact business with a visitor who does not have a visitor's pass or has not duly registered at the school office and received authorization to be present for the purpose of conducting business.

If a disabled person should visit a school and request accommodation and s/he has not submitted the Request for Accommodation Form 9160A F1, in advance, the principal should ask the person to allow the school adequate time to arrange for the accommodation, providing such accommodation is reasonable (see AG 9160A).

Each principal shall post in a conspicuous place at each entrance, the guidelines and procedures to be followed by visitors.

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RELATIONS

ag9150A

PETS ON SCHOOL PROPERTY

9150A - PETS ON SCHOOL PROPERTY

Although School District property is owned by a public entity, access to the general public may be restricted. To provide a safe and sanitary environment for students, the following restrictions will apply to bringing pets on to school property.

Pets are defined as any animal maintained primarily for the pleasure of its owner (mammal, bird, reptile, fish or amphibian).

A. All pets are prohibited from being brought onto school property.

B. Pets are permitted on school property if properly restrained within a vehicle, such that they may not exit, including times when the doors and/or windows to the vehicle are opened.

C. Pets are not permitted on school playgrounds at any time.

These provisions do not apply to:

A. properly certified service animals present to assist those who need to access school property for a legitimate business purpose or who are present on school property in accordance with access permitted to the general public;

B. canines brought on the premises by law enforcement personnel for law enforcement purposes;

C. properly certified service animals who are a part of the district's school therapy dog program.

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PUBLIC ATTENDANCE AT SCHOOL EVENTS

9160 - PUBLIC ATTENDANCE AT SCHOOL EVENTS

The following regulations are to be observed with respect to the conduct of school events:

- A. All laws regarding public assemblies must be strictly complied with. Use of tobacco in any place of public assembly in any school building is absolutely prohibited. The sale, possession, or consumption of any form of alcoholic beverages or prohibited drugs in or on any part of the school buildings or grounds is absolutely prohibited.
- B. Wagering on any aspect of an athletic event will not be tolerated but participation in raffles and other such forms of fund-raising for school-related events is permissible, if the event is authorized by the Superintendent in accordance with any applicable State regulations.
- C. A schedule of fees for all school events shall be prepared by the athletic director and approved by the BOE.
- D. Passes to school events will be available to each Board member and a guest, municipal officials and all ex-Board members.
- E. The Board will honor athletic passes for all districts which are members of conferences in which teams of this District compete and which honor the passes of this District.

Use of Recording Devices

Anyone attending a school event who wishes to record the activity on a visual recording device shall be asked to abide by the following rules:

- A. The recorder must operate the device within the area designated by the principal or director of the activity.
- B. The camera must not block the view of any other attendees or interfere with others who seek to record the activity.
- C. Those who record or assist a recorder must not block any passageways nor interfere with any other attendee's participation or observation of the activity.

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D. If sound is also being recorded, the recorder must not ask other attendees to be quiet or to change their behavior in order to improve the quality of the sound recording.

E. The recorder must agree to abide by all District safety rules, a copy of which shall be provided by the principal or director of the activity.

F. If the District is recording the activity, the principal may arrange for a person to obtain a copy providing s/he agrees to provide a tape and pay whatever the principal may need to charge to cover the costs of transfer.

Where the District does not possess the appropriate license or permission to allow the recording of a copyrighted work or performance, notice will be given, when possible prior to the exhibit or performance. Announcements shall be made at the beginning of any such exhibit or performance.

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RELATIONS

ag9160A

ACCESSIBILITY OF DISTRICT FACILITIES

9160A - ACCESSIBILITY OF DISTRICT FACILITIES

Building Section 504/ADA Compliance Officers ("Building Compliance Officer(s)"), along with the District Section 504/ADA Compliance Officer(s) ("District Compliance Officer(s)"), are responsible for making sure interested persons (e.g., applicants, participants, members of the public), including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. This mandate requires that communications with disabled persons is effective as communications with nondisabled persons. As such, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program or activity conducted by the Board. The type of auxiliary aid or service necessary to enable effective communication will vary in accordance with the length and complexity of the communication involved. Factors to be considered in determining an appropriate accommodation/auxiliary aid/service include:

- A. the context in which the communication is taking place;
- B. the number of people involved; and
- C. the importance of the communication.

Because modes of communication evolve, the District will reassess its effectiveness regularly, as circumstances and technologies change. When an auxiliary aid and/or service is required, the District will provide an opportunity for individuals with disabilities to request the auxiliary aids and/or services of their choice, and will give primary consideration to the choice expressed by the individual. The District will generally honor the requestor's choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration of the service, program or activity, or in undue financial and/or administrative burdens. This determination will be made by a District Compliance Officer after considering the resources of the District, the impact on the program, service or activity, and the comparable efficacy of the various auxiliary aids and services, while giving primary consideration to the requests of the individual with disabilities. If the District Compliance Officer denies a requestor's choice, s/he will notify, in writing, the person requesting the auxiliary aids/services of his/her determination, including the reasons for his/her decision.

<u>Examples of Auxiliary Aids/Services for Individuals who are Deaf or Hard of Hearing:</u>
Qualified interpreters – an interpreter who is able to sign to the individual who is deaf what is being said by the hearing person and who can voice to the hearing person what is being signed by the individual who is deaf; this

communication must be conveyed effectively, accurately and impartially, through the use of any necessary specialized vocabulary.

- Telecommunication devices for deaf persons (TDDs).
- Computer-aided transcription services.
- Written materials.
- Telephone handset amplifiers.
- Assistive listening systems.

- Telephones compatible with hearing aids.
- Closed caption decoders.
- Note-takers.
- Videotext displays.
- Exchange of written notes.

Examples of Auxiliary Aids/Services for Individuals with Vision Impairments

- Qualified readers.
- Taped texts.
- Audio recordings.

- Braille materials.
- Large print materials.
- Assistance in locating items.

Examples of Auxiliary Aids/Services for Individuals with Speech Impairments

- TDDs.
- Computer terminals.

- Speech synthesizers.
- Communication boards.

Because the standards for IDEIA-compliance are not the same as ADA requirements, the District will consider students' effective communication needs separately from any IDEIA obligations.

Since the District communicates by telephone with applicants and beneficiaries, TDDs or equally effective telecommunication systems will be used to communicate with individuals with impaired hearing or speech.

Administrators are responsible for verifying that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities and facilities. Additionally, administrators are directed to verify that proper signage is present at all inaccessible entrances to their facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility should be used at each accessible entrance to a facility.

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The District Compliance Officer shall verify that the following notice is made a part of each communication concerning a District activity to which the public is invited:

"Upon request to the building principal, the District shall make reasonable accommodation for a person with a disability to be able to participate in this activity." (see Form 9160A F1)

With regard to accessibility of facilities, the District will meet its obligations through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, development and maintenance of an accessible District website, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the District will serve persons with disabilities in the most integrated setting appropriate.

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RELATIONS

ag9160C

SECTION 504/ADA – COMPLAINT PROCEDURES RELATED TO ACCESSIBILITY OF DISTRICT FACILITIES

9160C - SECTION 504/ADA - COMPLAINT PROCEDURES RELATED TO ACCESSIBILITY OF DISTRICT FACILITIES

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

The following person(s) is/are designated as the District’s Section 504/ADA Compliance Officer(s) ("District's Compliance Officer(s)"):

Superintendent
Whiteford Agricultural Schools
6655 Consear, Ottawa Lake, MI 49267
734-856-1443 x101 (Phone)
734-856-2564 (Facsimile Number)
val.orr@whiteford.k12.mi.us

Building principals shall serve as Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officers").

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed in a timely manner with either the District Compliance Officer or the Building Compliance Officers. The District's Compliance Officer is available to assist individuals in filing a complaint.

Internal Complaint Procedure

A person who has a complaint about District facilities or services may register such complaint with the Building Compliance Officer and/or District Compliance Officer. Such complaints should be filed in writing within thirty (30) calendar days of the circumstances or event giving rise to the complaint. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. The written complaint must contain the following information:

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1. Name(s) of person(s) filing complaint.
2. Whether the person(s) represents an individual or group.
3. Whether the person(s) making the complaint has discussed the problem with the Building Compliance Officer and/or the District Compliance Officer.
4. A written summary of the complaint and a proposed solution.

B. The Building Compliance Officer or the District Compliance Officer will conduct an impartial investigation and will respond to the complaint within five (5) business days. This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint.

C. If a satisfactory response is not received within five (5) business days, the person should forward a copy of the complaint to the Superintendent, who will respond within ten (10) business days.

D. If a satisfactory response is not received within ten (10) business days, the person may forward a copy of the complaint to the Board of Education. The Board will consider the complaint and respond within forty (40) calendar days.

OCR Complaint

At any time, if a member of the public believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the Americans with Disabilities Act, as amended ("ADA"), the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
600 Superior Ave. East, Suite 750
Cleveland, Ohio 44114-2611
(216) 522-4970
FAX: (216) 522-2573
TDD: (216) 522-4944

Prohibition Against Retaliation

The Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under Section 504 or the ADA, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Section 504 or the ADA.

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ag9211

DISTRICT-SUPPORT ORGANIZATIONS

9211 - DISTRICT-SUPPORT ORGANIZATIONS

In accordance with Board policy, all District-support organizations, including parent associations, booster clubs, and the like, are to abide by the following guidelines.

A. Bylaws of the organization clearly state:

1. the purpose of the organization must be to benefit the students of the District;
2. the name of the organization;
3. the procedure for the election of officers and the length of terms;
4. provisions for student and staff involvement which are to include that a District administrator or faculty member is included on the organization's advisory board and that any student or staff involvement in the conduct of the organization's activities is subject to the approval of the Superintendent.

B. Each organization, by no later than June 1st of each year, shall submit a yearly report for any and all fund-raising activities to include the following :

1. the purpose of each fund-raising activity
2. designation of a fiscal officer for the organization who will be responsible for the accounting of funds
3. assurance that none of the proceeds from a fund-raiser are commingled with a student activity account
4. agreement that none of the activities involve the use of public funds
5. a guarantee that funds will be used in ways that are consistent with the purpose of the organization.
6. agreement that any purchases made by the organization are not represented as District expenditures and do not use identification numbers of the District such as tax I.D. numbers, purchase order numbers, sales tax exemption forms, and the like

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C. Each organization agrees that any donations made to the District shall be done in accordance with Board Policy 7230 and the accompanying guidelines.

D. Each organization agrees to abide by the policies and guidelines established for use of District facilities and grounds.

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RELATIONS

ag9270

PROCEDURE FOR EDUCATING A CHILD AT HOME

9270 - PROCEDURE FOR EDUCATING A CHILD AT HOME

The District has established the following guidelines to home education:

Participation in School

Students who are not in attendance at a District school by reason of home education will be deemed to have withdrawn from enrollment in District schools during the period of home education.

A. If the home school has met the reporting requirements of the law the student is eligible to attend a District school on a part-time basis in non core-curriculum courses such as band, physical education, art, vocational education, and driver education and may be eligible for auxiliary services.

If that student is also enrolled as a student in the District for noncore- curriculum course, s/he may be eligible to participate in school-sponsored athletic programs or teams (Michigan High School Athletic Association eligibility rules require that a student must be taking twenty (20) hours of academic work toward graduation at the high school) as well as in school-sponsored co-curricular or extra-curricular activities or programs.

If the student is not enrolled in a District school on a part-time basis, s/he may not participate in any of the District co-curricular or extra-curricular activities.

B. If the home-school has not met the reporting requirements, the student may not participate in any school activities.

Assessment

The District strongly recommends that the parents maintain a record of the educational program, including assessment of their child's academic progress, as this information will be useful to a school district, should the parents decide to re-enroll their child in a public school. Such an assessment could include:

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- A. resources and books used in the course;
- B. courses of study completed;
- C. the number of hours devoted to each course of study;
- D. a portfolio of work done;
- E. examples of tests and test scores;
- F. standardized test scores demonstrating the student's ability.

If the home school has met the reporting requirements, the home-schooled student will be permitted to take the Michigan Education Assessment Program, the Michigan Merit Exam, National Assessment of Educational Progress and any other achievement/ability tests normally given at each grade by the District. This is to be done cost-free but must be done during the regular testing cycle. It is the parent's responsibility to make the appropriate arrangements with the school principal. The District will not pay for any standardized testing of students not enrolled in the School District. The student may take tests such as the PSAT, PLAN, etc. normally given at the high school at the same cost charged District students.

Re-Enrollment in School

If a parent wishes to have his/her child return to a District school, s/he must follow normal enrollment guidelines. The conditions described in AG 5463 - Student Transfer from a Nonpublic School will apply.

In grades 9-12, if the student wishes to enroll, the parent will be asked to provide an academic assessment record for each class taken at home. Such a record will assist the school in making the proper placement. Athletic eligibility will be determined by MHSAA guidelines and District athletic policy.

Use of a performance-enhancing substance by a student is a violation that will affect a student's athletic eligibility and extracurricular participation, as determined by the Board.

Students are encouraged to enroll at the beginning of a semester.

All courses taken at a home school will be given a grade of Pass or Fail (P/F) and transcripts will denote "home education" with P/F grades and "credits" assigned. If a parent wishes to have his/her child return to a District

Whiteford Agricultural Schools

1 school, s/he must follow normal enrollment guidelines. The conditions described in AG 5463 - Student Transfer
2 from a Nonpublic School will apply. The student's grade of P/F will be based on the school's assessment of the
3 student's knowledge of the subject matter as will his/her grade placement in the school. If a student transfers in
4 from any other type of nonpublic school, transcripts are to denote the courses taken at that school.
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6 The student's grade-point average, class rank, and eligibility for awards such as Valedictorian or Salutatorian,
7 Distinguished Scholar, National Honor Society, etc. shall be determined in accordance with AG 5430.
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10 If the student wishes to graduate, s/he must meet the requirements as specified in the District's policy on
11 graduation and the high school's graduation guidelines. If the student seeks a State-endorsed transcript, s/he must
12 pass the MEAP High School Tests, Michigan Merit Exam, National Assessment of Educational Progress or other State
13 designated assessment and must meet other requirements of the State.
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ag9270A

ADMISSION OF STUDENTS FROM HOME SCHOOLS

9270A - **ADMISSION OF STUDENTS FROM HOME SCHOOLS**

The following guideline applies to students who are transferring from a home-school, non-registered religious school, or foreign school. It does not apply to any school that has been chartered or licensed by a State education agency.

General Procedures:

- A. The parent is to submit to the Director of student advancement written notification of the intent to enter the school no later than seven (7) days prior to the expected date of enrollment.
- B. The District is responsible for conducting a thorough placement study including an assessment of current learnings relative to each course of study (see AG 5463). The placement study should also include a review of information provided by the parent such as student achievement data, standardized test scores, topics studied, resources used, and samples of student work and accomplishments. No student is to be placed in any school or grade without a written placement review.
- C. A final meeting with the parent and student shall be scheduled to review the District's assessment results, establish credits (if applicable), and discuss placement.
- D. In the event the advance notice is not provided, a temporary placement decision may be made by the director of student advancement while the placement review is conducted. The parent is to be informed of the District's placement review procedure.
- E. Prior to placement, the parent must complete normal enrollment procedures as outlined in AG 5111.
- F. A parent may request, during the placement procedure, that his/her child participate in special education programming. If so, the District's special education identification and evaluation procedure is to be followed. If there is no conclusive evidence that special education testing should be initiated or if the student does not qualify, the 504 evaluation procedure (AG 2260) may be applicable or the SIT Team may be notified prior to student placement.
- G. If the District's assessment of a student indicates mastery of curriculum objectives that far exceed the normal age/grade placement, and whose standardized test scores indicate qualification for gifted education, s/he may be referred to the director of student advancement for placement.

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Admission to Kindergarten Through Grade Eight

Placement into a grade shall be made in accordance with the following:

- A. age appropriateness
- B. data resulting from the assessment procedure described in AG 5463 - Student Transfer from Nonaccredited Schools
- C. results of the examination of the student's most recent annual academic assessment report which shall include one (1) of the following:
 - 1. data resulting from the assessment procedure described in AG 5463 - Student Transfer from Nonaccredited Schools
 - 2. results of a nationally-normed, standardized achievement test
 - 3. written narrative indicating that a portfolio of the student's work has been reviewed and his/her academic progress for the year is in accordance with the student's abilities and the District's applicable courses of study
- D. review of previous regular education program records, if any, to check last grade placement
- E. results of M.STEP tests at the appropriate grade level(s) to measure achievement of performance objectives in each applicable subject

Admission to Grades Nine Through Twelve

Placement into a grade shall be made on the basis of credits earned.

Placement into each subject (e.g. English) shall be made based on:

- A. age appropriateness;
- B. results of examination of the student's most recent annual academic assessment report which shall include one (1) of the following:

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a portfolio of the student's work that demonstrates s/he has developed the knowledge and skills at the previous grade level to the one the student should be placed in based on his/her age

C. review of previous regular education program records, if any, to check last grade placement.

Procedures for Receiving Credits/Grades

Students shall receive credit for their academic work on the following basis to:

A. receive a passing grade in the final examination in the subject, plus satisfactory completion of any academic projects student must complete to demonstrate competence in the subject area.

The student will have only one (1) opportunity to take the appropriate test(s). The student must complete the test(s) within three hundred sixty-five (365) days from the date of enrollment and any projects by no later than one year of enrollment.

B. receive credit in courses other than language arts, social studies, mathematics, and/or science, the student must demonstrate proficiency as determined by the building administrator and the teacher.

In accordance with Board Policy 5463, no letter or number grades will be recorded for courses for which credit is granted. Credit will be issued on a pass/fail (P/F) basis and the transcript will indicate "home-school" credit. The credit will be recognized for high school graduation requirements. Students entering school at any point following the conclusion of the first grading period will be evaluated on a pass/fail basis for competency in the course work dealt with during the grading period(s).

Procedure for Determining Grade Point Average (GPA)/Class Rank/Honors

Grade point average (GPA), class rank, and honors shall be determined in accordance with AG 5430 - Class Rank.

Graduation and Commencement Exercises

Before a diploma will be presented, the student must meet all of the Board's graduation requirements.

For a student to qualify for participation in the commencement exercises, s/he must be enrolled in the high school for the entire year.

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RELATIONS

ag9700

FUND-RAISING BY CHARITABLE ORGANIZATIONS

9700 - FUND-RAISING BY CHARITABLE ORGANIZATIONS

Charitable organizations are defined as any benevolent, philanthropic, patriotic, not-for-profit or charitable group, association, corporation, or organization proposed to be such, which solicits and collects funds for charitable purposes.

The following criteria will be used in order to ensure equitable consideration of all requests by charitable organizations or groups to solicit funds on District premises. In this context, fund-raising shall also include solicitation of clothing, foodstuffs, or other products.

- A. The purpose of the fund-raising is to help alleviate an economic, health, cultural, educational, or social need in the school community area.
- B. A minimum of one hundred percent (100%) of the funds the organization collects in the District are spent within the communities served by the District.
- C. The funds are not used for religious or political purposes.
- D. The organization has a definite plan for the collection and distribution of funds.

Regardless of how worthy the purpose of the fund-raising may be or how well the organization meets the criteria, the number of requests that may be approved in any given school year is as follows:

- A. four (4) that involve the time of any staff member
- B. four (4) that involve only canisters or similar collection devices

The Superintendent shall develop a procedure which each approved organization is to follow to solicit and collect funds within the building or on the premises. The procedure is to ensure that:

- A. students are not involved in the solicitation or collection of funds;

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B. there is no disruption of the school program;

C. no funds are left in the building overnight in an unsecured area.

Each requesting organization shall complete an application form provided by the District which shall include:

A. the names and addresses of the organization and the persons involved;

B. the dates and times of solicitation;

C. where solicitation will take place;

D. proof that the organization is charitable;

E. proof of compliance with the percentage limitation for administrative and solicitation expenses.

These guidelines shall apply to all fund-raising activities other than approved student fund-raising activities and those approved for District-related organizations.

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RELATIONS

ag9700A

DISTRIBUTION OF MATERIALS TO STUDENTS

9700A - DISTRIBUTION OF MATERIALS TO STUDENTS

Procedures

Any person or organization wishing to distribute material on school property must first submit for approval a copy of the material to the Superintendent five (5) day(s) in advance of desired distribution, together with the following information:

- A. name of the person or organization
- B. date(s) and time(s) of day of intended distribution
- C. location where material will be distributed
- D. the grade(s) of students to whom the distribution is intended
- E. manner in which the material will be distributed

The Superintendent may either approve the distribution of the material or deny it by indicating how it violates Board Policy 5722, Policy 8800, and Policy 9700, any of the criteria listed below, or a restriction regarding time, place, and manner. If permission to distribute the material is denied, the person or organization shall have the opportunity to make necessary revisions and/or deletions and resubmit to the Superintendent for approval.

Criteria

The distribution may be authorized if the material:

- A. is related to a current course of study offered by the school;
- B. ties in with a District-sponsored activity and will be distributed only to students participating in that activity;

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C. is unrelated to a District activity but is related to an activity for students that is conducted by an approved outside organization.

Permission to distribute or display material does not imply agreement of its contents by either the administration of the school, the Superintendent, or the Board.

Time, Place, and Manner of Distribution

The distribution of written material shall be limited to a reasonable time, place, and manner as determined by the principal who shall ensure that:

- A. no material is distributed or displayed during a time or at a place of a school activity if it is likely to cause a substantial disruption of that activity or of other activities;
- B. no material is distributed or displayed if it blocks the safe flow of traffic within corridors and entrance ways of the school.

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RELATIONS

ag9700B

CRITERIA FOR COMMERCIAL MESSAGES

9700B - **CRITERIA FOR COMMERCIAL MESSAGES**

Any organization that seeks or is requested to provide materials or equipment to the District which contains or has associated with its messages which are designed to sell a product or service must submit the request to the superintendent or designee before the item(s) is used by the District.

The determination as to the appropriateness of the commercial message will be based on the following criteria:

- A. The message does not relate to a product which is inappropriate for or illegal to minors.
- B. The message does not relate to a product or service that would be considered educationally controversial or objectionable to a significant number of parents or other members of the District's community.
- C. The message can be presented without loss of instructional time.
- D. The primary intent of the sponsor is to provide the District with an item that is beneficial to the District rather than to provide a means for the sponsor to sell a product or service.

Signs identifying school facilities shall be free of any commercial advertising.

The administration recognizes that certain publications such as newspapers and magazines used in a classroom or media center contain advertisements. It is the responsibility of the staff member who obtains any such materials to review them so as to ensure there are no editorial matter or advertisements that promotes illegal, promiscuous, or prurient behavior or fosters any form of prejudice against any group of people.

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RELATIONS

ag9800

HIGH SCHOOL DIPLOMAS TO WORLD WAR II, KOREAN CONFLICT, AND VIETNAM VETERANS

9800 - HIGH SCHOOL DIPLOMAS TO WORLD WAR II, KOREAN CONFLICT, AND VIETNAM VETERANS

Applications are available through the school for any person who wishes to obtain a high school diploma for an individual, living or deceased, who left high school to serve in World War II or the Korean Conflict. The application is to be completed and returned to the school with necessary documentation to verify service and eligibility.

To be a qualified military veteran eligible for a diploma, all of the following criteria must be met:

- A. The military veteran is at least sixty-five (65) years of age, if living, or had attained at least sixty-five (65) years of age, if deceased.
- B. Before graduation from a high school, the military veteran enlisted in or was drafted in the armed forces of the United States during World War II between December 16, 1940 and December 31, 1946, during the Korean Conflict between June 27, 1950 and January 31, 1955 or during the Vietnam era between February 28, 1961 and May 7, 1975.
- C. At the time s/he was drafted into or enlisted in the armed forces of the United States, the military veteran was enrolled in a high school in the school district to which the application is made.
- D. The military veteran did not graduate from high school.
- E. The military veteran served under honorable conditions during World War II, the Korean Conflict, or during the Vietnam era.

The application may be completed by the veteran or the veteran's spouse, brother or sister, children, or grandchildren. The application requires a copy of the veteran's discharge from military service indicating honorable service between the dates of December 16, 1940 and December 31, 1946, or between June 27, 1950 and January 31, 1955, or between February 28, 1961 and May 7, 1975. The applicant's signature certifies the remaining information.

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