WHITEFORD AGRICULTURAL SCHOOLS

Policy Manual

436 policies

July 9, 2026

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po0100

DEFINITIONS

0100 - **DEFINITIONS**

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

Administrative Guideline

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

Agreement

A collectively negotiated contract with a recognized bargaining unit.

Apps and Web Services

Apps/web services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100) over a network, or client-server applications in which the user interface runs in a web browser. Apps/web services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess

their students' progress, and allow staff to perform other tasks related to their employment. Apps/web services also are used to facilitate communication to, from and among and between, staff, students, and parents.

Board

The Board of Education.

Bylaw

Rule of the Board for its own governance.

Classified or Support Employee

An employee who provides support to the District's program and whose position does not require a professional certificate.

District

The School District.

Due Process

Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond.

Procedural due process may require consideration of statutorily mandated factors, right to counsel and/or confrontation or cross-examination of witnesses, depending upon the situation.

Family Member

"Family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse, and includes these relationships as created by adoption or marriage. (See Bylaw 0144.3)

Full Board

Authorized number of voting members entitled to govern the District.

Information Resources

The Board defines Information Resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, websites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications.

May

This word is used when an action by the Board or its designee is permitted but not required.

Meeting

Any gathering which is attended by or open to all of the members of the Board held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body.

Parent

The natural or adoptive parents, or individuals with a valid power of attorney for the care and custody of the student for purposes other than educational placement. Parent refers to any individual appointed by the State or court as a legal guardian or custodian for the student. Both parents will have equal access to records and rights regarding the student's education absent a court order restricting such rights.

Personal Communication Devices

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, and/or other web-enabled devices of any type.

Policy

A general, written statement by the governing Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

President

The chief executive officer of the Board of Education. (See Bylaw 0170)

Principal

The educational leader and head administrator of one (1) or more District schools or programs, as designated by the Board of Education. The Principal must hold an appropriate school administrator certificate or permit. The Principal is responsible for the supervision of the school or program consistent with Board policy and directives of the Superintendent and may delegate responsibility to subordinates as appropriate.

Professional Staff Member

An employee who implements or supervises one (1) or more aspects of the District's program and whose position requires a professional credential from the State.

Relative

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household as defined in the negotiated, collectively-bargained agreement.

Secretary

The chief clerk of the Board of Education. (See Bylaw 0170)

Shall

This word is used when an action by the Board or its designee is required. (The word "will" or "must" also signifies a required action.)

Student

A person who is officially enrolled in a school or program of the District.

Superintendent

The chief executive officer of the School District responsible to supervise all programs and staff of the District and to implement Board policy and follow Board directives. The Superintendent must hold an appropriate school

administrator certificate or permit. Consistent with Board policies and directives, the Superintendent may delegate responsibility to subordinates as appropriate.

Technology Resources

The Board defines Technology Resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

Treasurer

The chief financial officer of the District. (See Bylaw 0170)

Vice-President

The Vice-President of the Board of Education. (See Bylaw 0170)

Voting

A vote at a meeting of the Board of Education. Except to accommodate the absence of any member of the Board due to military duty or for any other

purpose permitted by law, Board members must be physically present to have their vote officially recorded in the Board minutes.

Citations to Michigan Compiled Laws (M.C.L.) are shown as M.C.L. followed by the Section Number (e.g., M.C.L. 380.1438). Citations to the Michigan Administrative Code are prefaced A.C. Rule (e.g., A.C. Rule R380.221). Citations to the Federal Register are noted as FR, to the Code of Federal Regulations as C.F.R., and to the United States Code as U.S.C.

Revised 2/13/17
Revised 12/10/18
Revised 6/10/19

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po0111

NAME

0111 - **NAME**

The Board of Education of this District shall be known officially as the Whiteford Agricultural Schools Board of Education.

Contents

po0112

PURPOSE

0112 - **PURPOSE**

The Board of Education exists for the purpose of providing a system of free, public education for children in grades K - 12.

po0113

BOUNDARIES

0113 - **BOUNDARIES**

The Whiteford Agricultural Schools is comprised of the area in the description on file in the Board of Education office.

po0115

ADDRESS

0115 - **ADDRESS**

The official address of the Whiteford Agricultural Schools Board of Education shall be 6655 Consear Rd., Ottawa Lake, MI 49267.

Contents

po0121

AUTHORITY

0121 - **AUTHORITY**

The supervision of this District shall be conducted by the Board of Education, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Michigan.

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po0122

BOARD POWERS

0122 - **BOARD POWERS**

The District shall have all of the rights, powers, and duties expressly stated in statute; may exercise a power implied or incident to any power expressly stated in statute; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to the operation of the District in the interests of public elementary and secondary education in the District, including, but not limited to, all of the following:

A. Educating Students. In addition to educating students in grades K- 12, this function may include the operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.

B. Providing for the safety and welfare of students while at school or at a school-sponsored activity or while en route to or from school or a school-sponsored activity.

C. Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.

D. Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out District powers.

E. Receiving, accounting for, investing, or expending District money; borrowing money and pledging District funds for repayment; and qualifying for State-School Aid and other public or private money from local, regional, State, or Federal sources.

The District may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the School District.

The District is a body corporate and shall be governed by a school board. An act of this Board of Education is not valid unless approved, at a meeting of the Board, by a majority vote of the members lawfully serving on the Board.

The Board may submit to the school electors a question that is within the scope of the powers of the school electors and that the Board considers proper for the management of the School system or the advancement of education in the School District. Upon the adoption of a question by the Board, the Board shall submit the question to the school electors by complying with Michigan election law (M.C.L. 168.312).

The Board shall adopt bylaws. These bylaws may establish or change Board procedures, the number of Board officers, titles and duties of Board officers, and any other matter related to the effective and efficient functioning of the Board.

The Board has authority, based on statute, to make decisions regarding the following subjects without resort to prior bargaining:

A. the policyholder of an employee group insurance benefit

B. the starting day for the school year and the amount of student contact time to receive full State school aid

C. the composition of the District's school-improvement committees established under M.C.L. 380.1277

D. the decision whether or not to have inter-district and intra-district open-enrollment opportunities

E. the decision whether or not to permit authorization of charter schools (public school academies)

F. use of volunteers

G. decisions regarding the use of experimental or pilot programs including staffing, use of technology, provision of the technology, and the impact on individual staff members or a bargaining unit

H. compensation or reimbursement of a staff member for monetary penalties imposed on the staff member under the Public Employment Relations Act

I. insertion of statutorily required emergency manager language into all collective bargaining agreements

Revised 6/10/13
Revised 12/10/18

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po0123

PHILOSOPHY OF THE BOARD

0123 - **PHILOSOPHY OF THE BOARD**

A Board of Education is a legal entity for providing a system of public education within a geographic area of the State of Michigan. The system was created by, and is governed by, State statutes. Members of a Board are chosen by citizens to represent them and the State in the governance of the local schools.

The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of residents. While the Board has an obligation to determine and assess citizen desires, it is understood that when the voters elect delegates to represent them in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

A. Maintain two-way communications with citizens of the District. The Board shall keep them informed of the progress and problems of the School District, and the citizens shall be urged to bring their aspirations and concerns about the District to the attention of this body.

B. Establish policies and make decisions on the basis of declared educational philosophy and goals.

C. Act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the Board has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

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po0131.1

BYLAWS AND POLICIES

0131.1 - **BYLAWS AND POLICIES**

The Board of Education shall adopt bylaws and policies for the organization and operation of this Board and the District and shall be bound to follow such bylaws and policies.

Those bylaws and policies which are not required to have a public hearing by the statutes or rules of the State Board of Education or ordered by the Superintendent of Public Instruction or a court of competent authority may be adopted, amended, or repealed by a majority vote of the Board at a regular or special meeting after completing two (2) readings at two (2) scheduled meetings except that the Board may vote to waive the two (2) reading requirement and then vote to adopt, amend, or repeal a bylaw or policy with one (1) reading, provided the amendment or adoption does not conflict with the law.

Bylaws and policies may be suspended by a majority vote of the Board. Any resolution suspending a bylaw or policy under this provision shall expire automatically at the next public meeting of the Board.

Periodically, it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include statutory references, scrivener's errors, renumbering that does not change the order of the sections or subsections, grammatical corrections or additions including punctuation or typographical errors, as well as alterations and omissions not affecting the construction or meaning of any sections, subsections, chapters, titles, or policies as a whole and that are of a non-substantive nature. Technical corrections may also include the updating of the named individuals in these policies where the originally named individual no longer works for the District or no longer works in the applicable position. The Superintendent is authorized to identify and make technical corrections to

the policies and regulations without Board approval. Upon completion of the technical corrections, the Superintendent shall provide a brief summary of the technical corrections to the Board for review. Should the Board determine that a technical correction is substantive in nature, it will utilize the normal policy adoption procedure to adopt the amendments to the policy or regulation.

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual. Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.

Revised 9/12/14

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po0132.1

SELECTION OF SUPERINTENDENT

0132.1 - **SELECTION OF SUPERINTENDENT**

The Board of Education shall exercise its executive power in part by the appointment of a Superintendent who shall enforce the statutes of the State of Michigan, rules of the State Board of Education, and the policies of this Board.

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po0132.2

ADMINISTRATIVE GUIDELINES

0132.2 - **ADMINISTRATIVE GUIDELINES**

The Board shall delegate to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the school will be operated. These detailed arrangements shall constitute the administrative guidelines governing the schools which are not inconsistent with statutes or regulations of the State Board or the policies of this Board.

Such administrative guidelines shall be binding on the employees and the students of this District when issued.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board as soon as possible.

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po0133

JUDICIAL

0133 - **JUDICIAL**

The Board of Education assumes jurisdiction over any dispute or controversy arising within this District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

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po0141

NUMBER

0141 - **NUMBER**

The Board of Education shall consist of seven (7) members.

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po0142.1

ELECTORAL PROCESS

0142.1 - **ELECTORAL PROCESS**

The number of members of the Board of Education shall remain the same as before July 1, 1996 unless changed by the school electors at a regular or special School election. A ballot question for changing the number of Board members may be placed on the ballot by action of the Board or by petition submitted by school electors as provided under Michigan election law (M.C.L. 168.301 to 168.315).

Members of the Board shall be elected in the November even year general election (the first Tuesday after the first Monday) in a manner that is consistent with State law.

A special election may be called by the Board as provided under Michigan election law (M.C.L. 168.301 to 168.315).

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po0142.2

QUALIFICATIONS

0142.2 - **QUALIFICATIONS**

An individual is eligible for election as a Board of Education member if the individual is a citizen of the United States and is a qualified and registered elector of the School District by the filing deadline.

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po0142.3

TERM

0142.3 - **TERM**

Members of the Board of Education shall be elected by the school electors for terms of four (4) years.

At each regular school election, members of the Board shall be elected to fill the positions of those whose terms will expire. A term of office begins as provided by law (M.C.L. 168.302) and continues until a successor is elected and qualified.

At least one (1) Board member for a School District shall be elected at each of the School District's regular elections. A Board member's term of office begins January 1st, immediately following the November election.

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po0142.4

OATH

0142.4 - **OATH**

Each newly-elected Board of Education member shall file an acceptance of office as well as an affidavit of eligibility within ten (10) days after receiving a certificate of election and shall take an oath of office as prescribed by the Constitution of Michigan.

A ceremonial oath of office may be administered at the Organizational Meeting and may be administered by any Board member or the Superintendent.

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po0142.5

VACANCIES

0142.5 - **VACANCIES**

The office of a Board of Education member shall become vacant immediately upon the occurrence of any one (1) of the following events:

A. the death of the incumbent, or the incumbent's being adjudicated insane or being found to be mentally incompetent by the proper court

B. the incumbent's resignation

C. the incumbent's removal from office

D. the incumbent's conviction of a felony

E. the incumbent's election or appointment being declared void by a competent tribunal

F. the incumbent's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law

G. the failure of the District to elect a successor at the annual school meeting or election

H. the incumbent's ceasing to possess the legal qualifications for holding office

I. the incumbent's residence being removed from the School District

If less than a majority of the offices of the District becomes vacant, the remaining members of the Board shall fill the vacancy immediately.

If the vacancy is not filled within thirty (30) days after it occurs, the Board of the Intermediate School District shall fill the vacancy by appointment.

A person elected or appointed to fill a vacancy on the Board shall file an acceptance of office and shall hold office until the next regular school election.

Filling a Board Vacancy

If the majority of the Board is still seated, the vacancy shall be filled by the Board using the following procedure:

A. The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.

B. All applicants are to submit a notice of their interest, in writing, to the Superintendent.

C. The Board may interview all interested candidates to ascertain their qualifications.

D. Appointment by the Board to fill a vacancy shall be by majority vote of the full Board.

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po0142.6

RECALL

0142.6 - **RECALL**

Any member of the Board of Education may be recalled pursuant to

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po0142.7

ORIENTATION

0142.7 - **ORIENTATION**

The Board of Education believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the District, and learn Board procedures. Accordingly, the Board shall give to each new Board member no later than his/her first regular meeting as a Board member for his/her use and possession during the term on the Board the following items:

A. a copy of the Board policy manual

B. a copy of each current negotiated agreement

C. the current budget statement, audit report, and related fiscal materials

D. current student handbooks

E. school improvement plans

The Board will provide and maintain a library of publications and reference materials for the use of Board members.

Each new Board member shall be invited to meet with the Board President, the Superintendent, and the Business Manager to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

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po0143

AUTHORITY

0143 - **AUTHORITY**

Individual members of the Board of Education do not possess the powers that reside in the Board. The Board speaks through its minutes and not through its individual members. An act of the Board shall not be valid unless approved at an official meeting by at least a majority vote of the members elected to and serving on the Board.

No member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to District personnel records shall be subject to the following rules:

A. Examination of school employee personnel records by the Board of Education shall be conducted in accordance with the Open Meetings Act.

B. Personnel records shall, in their entirety, be returned to the custody of the Superintendent at the conclusion of the Board meeting.

C. Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members in fulfilling their legal responsibilities in making decisions in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissal or to aid the development and implementation of personnel policies, or for such

other uses as are necessary to enable the Board to carry out its legal responsibilities.

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po0143.1

PUBLIC EXPRESSION OF BOARD MEMBERS

0143.1 - **PUBLIC EXPRESSION OF BOARD MEMBERS**

The Board of Education President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members will make public statements on school matters.

If the statements imply, or if the readers (listeners) could infer that the opinions expressed or statements made are the official positions of the Board, the Board members shall, when writing or speaking on school matters, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter

2. routine, not for publication, correspondence of the Superintendent and other Board employees

3. routine "thank you" letters of the Board

4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)

5. personal statements not intended for publication

B. Copies of this bylaw shall be sent annually to local media by the Board President.

A Board member's personal or private use of social media may have unintended, negative consequences to the Board member and/or the District, including possible violations of the Open Meetings Act and issues relating to the creation of a public record. Postings to social media should be done in a manner sensitive to the Board member's responsibilities, applicable District policies, and legal obligations.

Revised 7/9/18

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po0144.1

COMPENSATION

0144.1 - **COMPENSATION**

Board members shall receive not more than thirty dollars ($30) per meeting up to a total of not more than fifty-two (52) meetings (including committee meetings) as compensation for their services. Expenses of a Board member shall be reimbursed when incurred in the performance of the Board member's duties or in the performance of functions authorized by the Board and duly vouchered.

The following guidelines have been established by the Board of Education to ensure appropriate and proper reimbursement of expenses for Board members:

A. Expenses will be reimbursed only for activities authorized by the Board.

B. Reimbursement for mileage will not exceed the current rate established by the Internal Revenue Service.

C. Attendance at Board-approved conferences should be at the location closest to the District.

D. When attending a Board-approved conference, all fees, parking, mileage, meals, and housing will be reimbursed.

E. Purchase of any printed or other materials relating to Boardmanship will be reimbursed if prepurchase approval is given by the Board. If such approval is not possible or feasible, a voucher must be submitted to the Board for approval.

F. When the Board attends a community or school-related event as a Board function, or a Board member attends as the designated representative of the Board, any incurred expenses, including mileage, will be reimbursed by the Board. If a Board member attends such events as a private citizen, any incurred expenses are to be paid by the Board member.

G. No entertainment expenses or purchases of alcoholic beverages are reimbursable.

A voucher detailing the amount and nature of each expense must be submitted to the Board for approval at a Board meeting after the expenses have been incurred and prior to reimbursement.

Board members may use District credit or debit cards only in accordance with Board Policy 6423 and the accompanying administrative guidelines.

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po0144.2

BOARD MEMBER ETHICS

0144.2 - **BOARD MEMBER ETHICS**

As members of the Board of Education, Board members will strive to improve public education and to that end they will:

A. attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

B. recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings;

C. render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

D. encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;

E. work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the Superintendent;

F. communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;

G. inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the State and National School Boards Associations;

H. support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

I. avoid being placed in a position of conflict of interest, and refrain from using their Board positions for personal partisan gain;

J. take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law;

K. remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.

Source: Board of Directors, National School Boards Association

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po0144.3

CONFLICT OF INTEREST

0144.3 - **CONFLICT OF INTEREST**

Board of Education members shall perform their official duties in a manner free from conflict of interest. To this end:

A. No Board member shall use his/her position as a Board member to benefit either himself/herself or any other individual or agency apart from the total interest of the School District.

B. When a member of the Board determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board or Board committee) and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon.

C. A member of the Board is presumed to have a conflict of interest if the member or his/her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of the School District.

Having a child in the District does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the School District.

"Family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse and includes these relationships as created by adoption or marriage.

1. A Board member is not considered to have a financial interest in any of the following instances:

    a. A contract or other financial transaction between the School District and any of the following:

        1. A corporation in which the individual is a stockholder owning one percent (1%) or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of $25,000.00 or less if the stock is listed on a stock exchange.

        2. A corporation in which a trust, if the individual is a beneficiary under the trust, owns one percent (1%) or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of $25,000.00 or less if the stock is listed on a stock exchange.

        3. A professional limited liability company organized pursuant to the Michigan limited liability company act, if the individual is an employee but not a member of the company.

b. A contract or other financial transaction between the School District and any of the following:

1. A corporation in which the individual is not a director, officer, or employee.

2. A firm, partnership or other unincorporated association in which the individual is not a partner, member, or employee.

3. A corporation or firm that has an indebtedness owed to the individual.

c. A contract between the School District and the intermediate school district.

d. A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation or trust from bidding. This does not apply to any amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.

2. If the financial interest pertains to a proposed contract with the District, the following requirements must be met:

a. The Board member shall disclose the pecuniary interest in the contract to the Board with such disclosure made a part of the

official Board minutes. If his/her direct financial interest amounts to $250 or more or five percent (5%) or more of the contract cost to the District, the Board member shall make the disclosure in one (1) of two (2) ways:

1. In writing, to the Board president (or if the member is the Board president, to the Board secretary) at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165.)

2. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The Board member must use this method of disclosure if his/her financial interest amounts to $5000 or more.

b. Any contract in which there is a conflict of interest, as defined by this bylaw and the related statute (M.C.L. 380.1203), must be approved by a majority vote of the full Board without the vote of any Board member with a financial interest.

However, if a majority of the members of the Board are required to abstain from voting on a contract or other financial transaction due to a financial interest, then for the purposes of that contract or other financial transaction, the members who are not required to abstain constitute a quorum of the board and only a majority of those members eligible to vote is required for approval of the contract or financial transaction.

c. The official minutes of the Board disclose the name of each party involved in the contract, the nature of the financial interest and the

terms of the contract including the duration, financial consideration between the parties, facilities or services of the District included in the contract and the nature and degree of assignment of District employees needed to fulfill the contract.

d. A Board member with a conflict of interest in a contract may not participate in the discussion of, nor vote on, the contract.

D. Board members shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds. A Board member may, however, accept a gift of unsolicited items of "nominal value" from a contractor or party to subcontracts that do not involve Federal grant funds. For purposes of this section, "nominal value" means that the gift has a monetary value of $56 or less.

Board members must disclose any potential conflict of interest which may lead to a violation of this policy to the full Board.

E. A Board member may be appointed to serve as a volunteer coach or supervisor of a student co-curricular activity if all of the following conditions are present:

1. the Board member receives no compensation for service as a volunteer coach or supervisor;

2. the Board member abstains from voting on issues before the Board concerning the program during the period of time s/he serves as a volunteer coach or supervisor;

3. there is no other qualified applicant available to fill a vacant position; and

4. the appointing authority has received the results of a criminal history check and criminal records check from the Michigan State Police or the Federal Bureau of Investigation for the Board member.

See also, Policy 6420, Conflict of Interest - Legal Counsel, Advisors, or Consultants.

Revised 11/9/09
Revised 6/10/13
Revised 1/13/14
Revised 2/8/16

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po0144.4

INDEMNIFICATION

0144.4 - **INDEMNIFICATION**

The Board of Education may hold harmless, indemnify, pay, settle, or compromise a judgment against a Board member to the extent allowed under the law.

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po0145

DISCRIMINATORY HARASSMENT

0145 - **DISCRIMINATORY HARASSMENT**

The Board of Education's intent is to provide an environment that fosters the respect and dignity of each person. To this end, the Board is committed to maintaining an environment free of harassment and intimidation.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision. Other prohibited conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive environment on the basis of gender, religion, race, color, national origin or ancestry, age, disability, height, weight, marital status, and/or any other legally protected characteristic.

The harassment of a student, staff member, or third party (e.g. visiting speaker, athletic team member, volunteer, parent, etc.) is strictly forbidden. Any person who is found to have violated this policy will be subject to discipline in accordance with law.

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po0151

ORGANIZATIONAL MEETING

0151 - **ORGANIZATIONAL MEETING**

The Board of Education shall organize annually not earlier than January 1st immediately following an election held on a November regular election date and not later than the second Monday in January at a meeting held for that purpose. The meeting shall be called to order by the Superintendent who shall serve as presiding officer until the election of a temporary chairperson, who shall in turn serve until the election of a President.

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po0152

OFFICERS

0152 - **OFFICERS**

The Board shall elect a President and Vice-President as well as a Secretary and Treasurer.

Election of officers shall be by a majority of the full Board. Where no such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify. An officer may be removed for cause by a majority vote of the full Board. The Board shall fill a vacancy in any Board officer position within thirty (30) days of the occurrence of the vacancy.

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po0154

MOTIONS

0154 - **MOTIONS**

The Board shall, at the organizational meeting:

A. designate depositories for school funds; M.C.L.A. 380.1221

B. designate those persons authorized to sign checks, contracts, agreements, and purchase orders;

C. designate a day, place, and time for regular meetings which shall be held at least once every month;

D. designate those persons authorized to use the safe deposit box;

E. determine fee charged to individuals who request notice of Board meetings; (M.C.L.A. 15.266)

F. designate an administrator to assume specified responsibilities of the Treasurer and of the Secretary;

G. designate the Electronic Transfer Officer (ETO) in accordance with Policy 6144.

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po0155

COMMITTEES

0155 - **COMMITTEES**

Committees of Board members shall perform the duties as assigned by the Board, which may include deliberating, making decisions/recommendations or taking other actions specifically authorized by the Board.

All committees shall comply with the Open Meetings Act in accordance with the applicable requirements set forth in 0160 Bylaws. A committee may meet in closed session to review the specific contents of an employment application provided when the applicant for employment requests that the information remains confidential. It may not, however, meet in closed session to protect an applicant's identity.

Ad hoc committees may be created and changed at any time by the President or a majority of the members present at any meeting at which the need for a committee becomes evident or the Superintendent with the approval of the Board.

Members of ad hoc committees shall serve until the committee is discharged.

The Superintendent shall serve as an ex-officio member of each committee.

A member may request (or refuse) appointment to a committee.

Each Board committee shall be convened by a chairperson who shall report for the committee and shall be chosen by the committee from among its members.

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po0161

PARLIAMENTARY AUTHORITY

0161 - **PARLIAMENTARY AUTHORITY**

The parliamentary authority governing the Board of Education shall generally be Robert's Rules of Order, Newly Revised.

In all cases in which it is not inconsistent with statute, administrative code, or these bylaws, or the rules of order of this Board.

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Contents

po0162

QUORUM

0162 - **QUORUM**

Four (4) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

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po0163

PRESIDING OFFICER

0163 - **PRESIDING OFFICER**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

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po0164.1

REGULAR MEETINGS

0164.1 - **REGULAR MEETINGS**

The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a resolution of the Board.

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po0164.2

SPECIAL MEETINGS

0164.2 - **SPECIAL MEETINGS**

Special meetings of the Board may be called by the President or by any two (2) members of the Board provided there is compliance with the notice provision of these Bylaws.

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po0164.3

EMERGENCY MEETINGS

0164.3 - **EMERGENCY MEETINGS**

In the event of a severe and imminent threat to the health, safety, or welfare of the District, its employees, or students, any member of the Board may call an emergency session provided the majority of the Board concur that delay would be detrimental to efforts to lessen or respond to the threat. Actual notice of any emergency meeting shall be attempted, but not required to other Board members.

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po0165.1

REGULAR MEETINGS

0165.1 - **REGULAR MEETINGS**

Within ten (10) days after the organizational Board meeting, the Board shall cause to be posted at the Board office and in other locations considered appropriate by the Board, a notice listing the date, time, and place of each regularly scheduled meeting of the Board. The notice shall contain the name and address of the District and its telephone number.

The notice shall also contain the following statement:

"Upon request to the Superintendent, the District shall make reasonable accommodation for a person with disabilities to be able to participate in this meeting."

Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the estimated reasonable cost for printing and postage of each notice as shall be determined annually by the Board, the District shall send to the requesting party by first-class mail a copy of any notice required to be posted by these bylaws. The news media shall be entitled to receive, at their request, copies of such notices free of charge.

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po0165.2

CHANGE OF REGULAR MEETINGS

0165.2 - **CHANGE OF REGULAR MEETINGS**

Within three (3) days after the Board adopts a resolution changing the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, and place of the rescheduled meeting, as well as the name, address, and telephone number of the District. Said notice shall be posted on the front door of the Administrative Office Building and such other place(s) as the Board may determine. Said notice shall be posted at least eighteen (18) hours before the rescheduled meeting.

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po0165.3

SPECIAL MEETINGS

0165.3 - **SPECIAL MEETINGS**

Said notice shall state the date, time, and place of such special meeting and the business to be transacted thereat, as well as the name, address, and telephone number of the District. A notice of any special meeting shall be posted at least eighteen (18) hours before said special meeting at the Board office and such other places as the Board may determine. A copy of said notice shall be served upon each member of the Board.

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po0165.4

EMERGENCY MEETINGS

0165.4 - **EMERGENCY MEETINGS**

No notice of any emergency meeting shall be required.

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po0165.5

RECESS

0165.5 - **RECESS**

Any meeting of the Board may be recessed to another time and place. Any meeting which is recessed for more than thirty-six (36) hours shall be reconvened only after a notice stating the date, time, and place of the recessed meeting as well as the name, address, and telephone number of the District has been posted on the front door of the Administrative Office Building and such other place as the Board may determine for at least eighteen (18) hours prior to the time the meeting is to be reconvened.

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po0165.6

CANCELLATION

0165.6 - **CANCELLATION**

Any meeting of the Board may be canceled for appropriate purposes, which shall include, but not be limited to, inclement weather, lack of a quorum, or conflict with a special event relating to the District. If the canceled meeting is a regular meeting it must be re-scheduled following all notice requirements set forth above.

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po0166

AGENDA

0166 - **AGENDA**

The Superintendent shall prepare and submit to each Board member a written agenda prior to each regular meeting and each special meeting unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda upon the concurrence of the Board President.

The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the Superintendent on information relating to the District with such recommendations as s/he shall make.

Each agenda may contain the following statement:

"This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in the agenda item ."

Any person or group wishing to place an item on the agenda shall register their intent with the Superintendent no later than three (3) days prior to the meeting and include:

A. name and address of the participant;

B. group affiliation, if and when appropriate;

C. topic to be addressed.

Such requests shall be subject to the approval of the Superintendent and the Board President.

Denial of the opportunity to have an item placed on the agenda will not preclude an individual or group from the opportunity to speak during the public participation portion of the meeting.

The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be delivered no later than twenty-four (24) hours prior to the meeting, so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.

The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.

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po0166.1

CONSENT AGENDA

0166.1 - **CONSENT AGENDA**

The Board of Education may use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board.

A. minutes of prior meetings

B. bills for payment

C. hiring of personnel

D. resolutions that require annual adoption, such as bank signatories, Michigan High School Athletic Association membership, etc.

E. resignations and leaves

F. routine administrative matters

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the Superintendent or any Board member thinks the item requires further discussion.

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po0167.1

VOTING

0167.1 - **VOTING**

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be valid unless approved at a meeting of the Board by a majority vote of the members elected or appointed to and serving on the Board who are authorized to vote (see Voting as defined in Bylaw 0100) and a proper record made of the vote. Meetings of the Board shall be public and no person shall be excluded therefrom. M.C.L. 380.1201

Unless specifically authorized by Michigan conflict of interest laws, any Board member's decision to abstain shall be recorded and be deemed to acquiesce in the action taken by the majority. Failure to vote, absent a statutory exception or other reasonable ethical basis, constitutes a breach of the Board member's duty as a public official. In situations in which a specified number of affirmative votes is required and abstentions have been noted, the motion shall fail if the specified number of affirmative votes have not been cast. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority. 184 Mich App 681, 684 (1990)

All actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member be recorded. Proxy voting shall not be permitted. If a vote is not conducted by roll call, any member may request a roll call vote.

Revised 5/9/11

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po0167.2

CLOSED SESSION

0167.2 - **CONSENT AGENDA**

The Board of Education may by means of a roll call vote meet in a closed session, one closed to the public, for the following purposes:

A. to consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, staff member, or individual agent, if the named person requests a closed hearing **(a majority vote is required)**

B. to consider the dismissal, suspension, or disciplining of a student only if the student or student's parents request a closed hearing **(a majority vote is required)** (Also see Bylaw 0169, Student Disciplinary Hearings)

C. for strategy and negotiation sessions connected with the negotiation of a collectively-bargained agreement if either negotiating party requests a closed hearing **(a majority vote is required)**

D. to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained **(a two-thirds (2/3's) vote is required)**

E. to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a

detrimental financial effect on the litigating or settlement position of the public body **(a two- thirds (2/3's) vote is required)**

F. to consider materials exempt from discussion or disclosure under State or Federal statute, including by way of example only, written opinions of legal counsel, and school safety plans **(a two- thirds (2/3's) vote is required)**

G. to review the specific contents of an application for employment or appointment if the candidate requests that the application remain confidential **(a two-thirds (2/3's) vote is required)**

However, all interviews for employment or appointment of the Superintendent shall be held in an open meeting of the Board.

H. to consider security planning to address existing threats or prevent potential threats to the safety of the students or staff **(a majority vote is required)**

In keeping with the confidential nature of closed sessions, no member of the Board shall disclose the content of discussions that take place during such sessions. The only exceptions will be discussions with the District's legal counsel or as directed by an order of a court with proper jurisdiction.

It is expected that Board members shall not record nor communicate by any means, electronic or otherwise, with party or parties outside such meetings regarding the substance of such meetings either during or after the course of such meetings.

Revised 12/10/18

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po0167.3

PUBLIC PARTICIPATION AT BOARD MEETINGS

0167.3 - **PUBLIC PARTICIPATION AT BOARD MEETINGS**

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

To permit fair and orderly public expression, the Board shall provide a period for public participation at every regular meeting of the Board and publish rules to govern such participation in Board meetings. The rules shall be administered and enforced by the presiding officer of the meeting.

The presiding officer shall be guided by the following rules:

A. Public participation shall be permitted as indicated on the order of business at the discretion of the presiding officer.

B. Anyone with concerns related to the operation of the schools or to matters within the authority of the Board may participate during the designated public participation portion(s) of a meeting.

C. Attendees may be required to register their intention to participate in the public participation portion of the meeting upon their arrival at the meeting.

D. Participants must first be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name; address; and group affiliation, if and when appropriate.

E. Each statement made by a participant shall be limited to three (3) minutes duration.

F. During the portion of the meeting designated for public participation, no participant may speak more than once.

G. Participants shall direct all comments to the Board and not to staff or other participants.

H. The presiding officer may:

1. interrupt, warn, or terminate a participant's session when they make comments that are repetitive, obscene, and/or comments that constitute a true threat (i.e., statements meant to frighten or intimidate one (1) or more specified persons into believing that they will be seriously harmed by the speaker or someone acting at the speaker's behest)

2. request any individual to stop speaking and/or leave the meeting when that person does not observe reasonable decorum;

3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;

4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;

5. waive these rules.

The Board may permit individuals to attend meetings remotely through live broadcast; however, public participation will be limited to those who are in attendance at the meeting site only. The Board is not responsible for any technology failures that prevent or disrupt any individual from attending remotely.

Audio or video recordings are permitted. The person operating the recorder should contact the Superintendent prior to the Board meeting to review possible placement of the equipment, and agrees to abide by the following conditions:

A. No obstructions are created between the Board and the audience.

B. No interviews are conducted in the meeting room while the Board is in session.

C. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.

Revised 2/13/17
Revised 12/10/18

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po0167.4

ADMINISTRATIVE PARTICIPATION

0167.4 - **ADMINISTRATIVE PARTICIPATION**

The Superintendent and those administrators directed by the Superintendent shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

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po0167.5

USE OF ELECTRONIC MAIL

0167.5 - **USE OF ELECTRONIC MAIL**

Since E-mail is a form of communication that could conflict with the Open- Meetings Law, it will be used to conduct business of the Board only for the purposes of communicating:

A. messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;

B. possible agenda items between the Superintendent and the Board President;

C. times, dates, and places of regular or special Board meetings;

D. a Board meeting agenda or public record information concerning items on the agenda;

E. requests for public record information from a member of the administration, school staff, or community pertaining to District operations;

F. responses to questions posed by members of the public, administrators, or school staff.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply.

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po0167.6

USE OF SOCIAL MEDIA

0167.6 - **USE OF SOCIAL MEDIA**

Social Media, as defined in Bylaw 0100, shall not be used to conduct any form of Board business.

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po0168.1

OPEN MEETING

0168.1 - **OPEN MEETING**

The Secretary, or a temporary secretary appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed by the Secretary at the next meeting. The minutes shall include all roll-call votes taken at the meeting. Proposed minutes shall be available for public inspection not later than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. The minutes shall be available for inspection at the Superintendent's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The Board Secretary shall not include in or with its minutes any personally identifiable information on any student of the District which if released, would prevent the public body from complying with the Family Educational Rights and Privacy Act of 1974.

The official minutes shall be bound together by years and kept in the office of the Board of Education.

Minutes of the preceding meetings shall be approved by the Board as its first order of business at its next meeting.

The minutes shall show only action taken.

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po0168.2

CLOSED MEETING

0168.2 - **CLOSED MEETING**

The Board shall designate a person to keep separate minutes of each closed meeting of the Board. These minutes shall be retained by the Secretary of the Board, but shall not be available to the public and shall only be disclosed if required by a civil action filed under M.C.L. 15.270 et seq. These minutes may be destroyed one (1) year and one (1) day after approval of the minutes of the regular meeting at which the closed session was approved.

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po0168.3

COMMITTEE MEETINGS

0168.3 - **COMMITTEE MEETINGS**

Any Board Committee, whether standing or appointed ad hoc, which exercises governmental or proprietary authority must comply with the Open Meetings provisions in 0168.1 and 0168.2, Committees that are empowered to take action, make recommendations or otherwise deliberate in place of the Board are subject to this requirement.

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po0169.1

CLOSED SESSION REQUESTED

0169.1 - **CLOSED SESSION REQUESTED**

If parent or student requests a closed hearing, a vote must be taken. The purpose of the closed session should be announced: "To consider a student disciplinary matter, pursuant to the request of the parent/guardian". A majority is required to go into a closed session.

Those invited into closed session should include the student, parent(s) and/or representative(s) and school administrator(s) bringing charges. Others may be admitted at Board discretion, if needed for the proceeding or at the request of student/parents.

Witnesses should be admitted when needed to testify. They should be asked to leave the closed session after testifying. Witnesses may be required to affirm that they will tell the truth.

The Administration should present a summary of the requested discipline and an overview of the incident(s) supporting discipline. The Administration shall call and question witnesses as it determines appropriate. The administrator may testify as a witness to the results of his/her investigation of the incident and the student's past record.

The student, parent, or representative (only one (1)) should be allowed to ask the witness(es) questions related to issues reasonably related to the discipline. Additional questioning by the Administration, the student/representative and/or the Board may be allowed at the Board's discretion.

The student, parent, or representative may then present witnesses or statements to the Board. The Administration and/or the Board may ask questions of these individuals. The Board may allow additional questioning at its discretion.

When the presentation of evidence is concluded, the Board will deliberate. It may exclude both the Administration and the student and representatives, or allow both sides to remain. If the Board desires clarification of any testimony during its deliberation, it shall assure that both the Administration and the student are present to hear the information.

The Board shall not take any action in the closed session. To act on the discipline the Board must return to open session. This requires a majority vote.

During the open session the name of the student shall not be used in voting on the discipline, to protect student privacy under the Federal Family Educational Rights and Privacy Act. The student may be referred to by a Code Number or Pseudonym (i.e. Student A). Only the reference code shall be indicated in the Board minutes, NOT the student's actual name. The reference code shall be listed in the student's discipline file.

If, at any time during the hearing, the student, parent or authorized representative withdraws the request for a closed hearing, the matter shall proceed under the open hearing provisions.

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po0169.2

OPEN HEARING

0169.2 - **OPEN HEARING**

If the student, parent or authorized representative does not request a closed hearing, the Board must still assure that the Family Educational Rights and Privacy Act is not violated.

The parents (or student if eighteen (18) or older) should sign an authorization to release student record information to allow discussion of the student's information in the public forum (Form 8330 F4). If the parents refuse to sign the authorization or information relating to other students must be presented at the hearing, it should be done anonymously by referring to students by Code Numbers or Pseudonyms. If this is not possible, then the Board may go into closed session to receive student identifiable information pursuant to a two-thirds (2/3's) roll call vote for the announced purpose of "Considering material exempt from discussion or disclosure by State or Federal law."

The Board must deliberate and act on the discipline in open session. The student, parents, administration and public will be allowed to be present. Students/parents who have not authorized disclosure to the public will not be mentioned by name during deliberations, but only by anonymous reference code. Any action must be by a vote of the Board in open session. If the student/parents have signed an authorization for public disclosure, then the student's name may be used in the motion and recorded in the Board minutes.

In all other respects the hearing shall proceed as outlined under the Closed Hearing.

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po0171.1

PRESIDENT

0171.1 - **PRESIDENT**

The President of the Board of Education shall:

A. preside at meetings of the Board;

B. countersign orders legally drawn by the Secretary upon the Treasurer for money to be disbursed on behalf of the School District;

C. cause an action to be prosecuted in the name of the District on the Treasurer's bond in case of a breach of a condition of the bond;

D. perform other duties appropriate to the office of the President.

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po0171.2

VICE-PRESIDENT

0171.2 - **VICE-PRESIDENT**

The Vice-President of the Board of Education shall:

A. preside at meetings of the Board when the President is not able to attend;

B. perform other duties appropriate to the office of Vice-President as the Board determines;

C. in case of a vacancy in the office of President, succeed to the office of President for the balance of the unexpired term.

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po0171.3

SECRETARY

0171.3 - **SECRETARY**

The Secretary of the Board of Education shall:

A. act as clerk at meetings of the Board;

B. record and sign the minutes of meetings, orders, resolutions, and other proceedings of the Board in proper record books;

C. be the chief election officer of the District with authority to delegate election duties to a member of the administrative staff;

D. prepare the annual report of the District and other reports required by the State Board;

E. draw and sign orders upon the District Treasurer for money to be disbursed by the School District and each order shall be properly numbered and dated, shall specify the sources of the funds called for, the purpose for which, and the fund upon which the order is drawn;

F. preserve and file copies of reports, books, papers, and other documents belonging to the office of the secretary or to the School District, and deliver them to a successor in office;

G. perform other duties required by law or by the Board.

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po0171.4

TREASURER

0171.4 - **TREASURER**

The Treasurer of the Board of Education shall:

A. have care and custody of all monies of the School District and the Treasurer shall deposit funds of the District with a bank or banking corporation or trust company designated by the Board in the proportion and manner directed by the Board;

B. keep proper books of account;

C. keep an account of interest received from invested school funds, and credit interest received to the appropriate fund accounts;

D. pay out funds for the purposes specified by law, or, in the case of gifts or donations for the purposes for which the money is given or donated, on proper orders signed by the Secretary and countersigned by the President of the Board;

E. perform other duties the Board may prescribe in its bylaws relating to the administration of School District funds.

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po0172

LEGAL COUNSEL

0172 - **LEGAL COUNSEL**

District or Board in actions brought for or against the District and to render other legal services for the welfare of the School District.

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po0173

INDEPENDENT AUDITOR

0173 - **INDEPENDENT AUDITOR**

The independent auditor shall:

A. examine the balance sheet of the District at the close of its fiscal year and the related statements of transactions in the various funds for the fiscal year then ended;

B. conduct such examination in accordance with generally accepted auditing standards and to include such tests of the accounting records and such other auditing procedures as are necessary in the circumstances;

C. render an opinion of the financial statements prepared at the close of the fiscal year;

D. make such recommendations to the Board of Education concerning its accounting records, procedures, and related activities as may appear necessary or desirable;

E. perform such other related services as may be requested by the Board.

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po0175

ASSOCIATION MEMBERSHIPS

0175 - **ASSOCIATION MEMBERSHIPS**

The Board of Education may maintain membership in the National School Boards Association, Michigan Association of School Boards, or Monroe County Association of Boards of Education and may take part in the activities of these groups.

The Board may also maintain institutional memberships in other educational organizations which the Superintendent and Board find to be of benefit to members and District personnel.

The materials and other benefits of these memberships will be distributed and used to the best advantage of the Board and staff.

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po0175.1

SCHOOL BOARD CONFERENCES, CONVENTIONS, AND WORKSHOPS

0175.1 - **SCHOOL BOARD CONFERENCES, CONVENTIONS, AND WORKSHOPS**

The Board of Education recognizes the value of membership and attendance at conferences and meetings at the local, County, State, and National level.

Attendance at local, County, State, and National workshops and conferences is supported.

Each Board member is expected to report back to the Board after attending a conference at District expense.

Travel and personal expenses of spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the District within budgetary limits.

The following are reimbursable upon submission of receipts and documentation:

A. conference registration fees

B. transportation – plane, train or automobile, including buses, taxis and limousines

C. mileage at the Board approved rate

D. toll charges and parking

E. lodging (In most instances reimbursement will be limited to the conference rate, however, exceptions may be made in extenuating circumstances as determined by the Treasurer.)

F. meals

1. the maximum per-day/per-meal allowance/stipend (includes up to a twenty percent (20%) gratuity) for all travel is:

   Brunch/Breakfast - $8.00
   Lunch - $12.00
   Dinner - $15.00

2. official conference banquets will be reimbursed at actual cost

G. phone calls for District business and reasonable calls home

The President of the Board will regularly receive a record of Board member attendance at conferences.

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po1100

DISTRICT ORGANIZATION

1100 - **DISTRICT ORGANIZATION**

The Board of Education recognizes that the grouping of grades and services within the facilities of the District can assist the efficient operation of the District and help achieve a more effective instructional program.

The Superintendent shall continually monitor the effectiveness of the District organizational plan and recommend to the Board such modifications in the plan which are in the best interests of the students, make wisest use of District resources, and serve the educational goals of the Board.

Modifications in the organizational plan of the schools may be made by the Board upon the recommendation of the Superintendent.

The Superintendent shall be the chief executive officer of the School District. The Superintendent shall define and recommend those administrative positions required to implement the educational system and program of learning established by the Board. In each case, the Board will approve the broad purpose and function of the position in harmony with State law and regulations.

Responsibility shall flow clearly from the Superintendent through the administrative staff to the operational personnel.

It shall be the responsibility of the Superintendent to determine the need for and define operational requirements sufficient to ensure the smooth functioning of the District.

Maintenance of an efficient, skilled, operational staff is essential to the effective performance of the system.

It is the Board's intent to maintain an operational and technical staff with a high level of competence.

On occasion, the Superintendent may find it necessary to recommend to the Board the employment of specialists or consultants to maintain or support programs implemented by the District in areas requiring specialized knowledge. These positions will be considered by the Board on the merits of their potential contribution to the School District and the specific conditions of the stated contract or agreement.

po1130

CONFLICT OF INTEREST

1130 - **CONFLICT OF INTEREST**

Staff members, officers, and agents shall perform their official duties in a manner free from conflict of interest. To this end:

A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by the District's Board members, employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the District.
To accomplish this, the Board of Education has adopted the following guidelines which apply to all District employees, officers, agents, and Board members to assure that conflicts of interest do not occur. These guidelines are not intended to be all-inclusive, nor to substitute for good judgment on the part of all employees, officers, agents, and Board members.

1. No employee, officer, agent, or Board member shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's, officer's, agent's, or Board member's duties and responsibilities in the school system. When a staff member determines that the possibility of a personal interest conflict exists, the staff member should, prior to the matter being considered by the Board or administration, disclose the staff member's interest (such disclosure shall become a matter of record in the minutes of the Board).

2. No staff member, officer, agent, or Board member shall use their position to benefit either themselves or any other individual or agency apart from the total interest of the District.

3. If the financial interest pertains to a proposed contract with the District, the following requirements must be met.

The staff member, officer, agent, or Board member shall disclose the direct financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If the direct financial interest amounts to $250 or more or five percent (5%) or more of the contract cost to the District, the staff member, officer, agent, or Board member shall make the disclosure in one (1) of two (2) ways:

a. In writing, to the Board President at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165)

b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member, officer, agent, or Board member must use this method of disclosure if the financial interest amounts to $5,000 or more.

4. Employees, officers, agents, and Board members shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship the employee, officer, agent, or Board member may have with any student, client, or parents of such students or clients in the course of the employee's, officer's, agent's, or Board member's employment or professional relationship with the District.

Included, by way of illustration rather than limitation are the following:

a. the provision of any private lessons or services for a fee

b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer’s, agent’s, or Board member's employment or professional relationship with the District through access to District records

c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals

d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer, agent, or Board member, or any business or professional practitioner with whom any employee, officer, agent, or Board member has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

5. Employees, officers, agents, and Board members shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

B. Should exceptions to this policy be necessary in order to provide services to students or clients of the District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent before entering into any private relationship.

C. No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.

Pursuant to Federal rules, the District has set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal

value. For purposes of this section, "nominal value" means that the gift has a monetary value not to exceed the amount of the allowable ISD level

D. If the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the District is unable, or appears to be unable, to be impartial in conducting a procurement action involving a related organization.

E. Employees, officers, agents, and Board members must promptly disclose any potential conflict of interest which may lead to a violation of this policy to the District. Upon discovery of any potential conflict of interest, the District will disclose, in writing, the potential conflict of interest to the appropriate Federal agency or, if applicable, the pass-through entity.
The District will also promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729–3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity. The District is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200.

F. Employees, officers agents, and Board members found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

Revised 2/8/16
Revised 7/11/16

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po1210

BOARD - SUPERINTENDENT RELATIONSHIP

1210 - **BOARD - SUPERINTENDENT RELATIONSHIP**

The Board of Education believes that, in general, it is the primary duty of the Board to establish policies and that of the Superintendent to administer such policies. Policy should not be originated or changed without the recommendation of the Superintendent. The Superintendent should be given the latitude to determine the best method of implementing the policies of the Board.

The Superintendent, as the chief administrative officer of the School District, is the primary professional advisor to the Board. S/He is responsible for the development, supervision, and operation of the school program and facilities. His/Her methods should be made known to the staff through the administrative guidelines of the District. The Board shall retain oversight supervision of such administrative guidelines.

The Superintendent and those administrators directed by the Superintendent shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

In order to expedite negotiation procedures, the Superintendent may be appointed as chief representative of the Board for the purpose of determining negotiation strategies and members of negotiation teams for collective bargaining with recognized unions and employee units.

The Board is responsible for determining the success of the Superintendent in meeting the goals established by the Board through annual evaluations of the Superintendent's performance. The Board, in formulating its position with regard to the performance of

the Superintendent, shall rely, whenever possible, on the objective outcomes of its evaluations rather than on subjective opinions.

po1217

WEAPONS

1217 - **WEAPONS**

The Board of Education prohibits members of the administration from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events, or in a District vehicle without the permission of the Superintendent or, in the case of the Superintendent, without the permission of the Board.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapons described in 18 U.S.C. 921.

The Superintendent shall refer a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of existing collective bargaining agreements.

Exceptions to this policy include:

A. weapons under the control of law enforcement personnel;

B. items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)

C. theatrical props that do not meet the definition of "weapons" above, used in appropriate settings;

D. starter pistols used in appropriate sporting events.

Staff members shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the building principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

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po1220

EMPLOYMENT OF THE SUPERINTENDENT

1220 - **EMPLOYMENT OF THE SUPERINTENDENT**

The Board of Education vests the primary responsibility for administration of this District in the Superintendent of Schools. The appointment of that officer is, therefore, one of the most important functions the Board can perform.

Whenever the position of Superintendent shall be vacant, the Board shall appoint a Superintendent of Schools as chief executive officer and fix his/her salary and term of office which shall be no more than five (5) years.

The Board shall actively seek the best qualified and most capable candidate for the position of District Superintendent.

It may be aided in this task by:

A. a committee of Board members;

B. the services of professional consultants;

C. the counsel of the out-going Superintendent;

D. the participation of members of the community.

Recruitment procedures may be prepared in advance of the search and may include:

A. preparation of a written job specification for the position of Superintendent;

B. preparation of written specifications of qualification in addition to proper State certification;

C. preparation of informative material describing this District and its educational goals;

D. where feasible, the opportunity for applicants to visit the schools of this District;

E. the requirement that each selected candidate for the position be interviewed by Board members in a format that encourages him/her to express his/her educational philosophy;

F. solicitation of applications from a wide geographical area;

G. consideration of all applicants fairly without discrimination on the basis of race, color, gender, age, religion, national origin or ancestry, marital status, disability, height, weight, and/or any other legally protected characteristic unrelated to the position of Superintendent.

All interviews of applicants by the Board or a committee of the Board shall be done in open meetings. At the time of application, the Board President shall see that each applicant has been informed that Michigan law may not permit the Board to protect his/her application from disclosure, and any interview must be open to the public.

The Superintendent must submit to a criminal history record check from the Michigan State Police. See Policy 3121.

A person who is employed as Superintendent by this Board who was a school administrator in Michigan prior to January 4, 2010, is not required to have a school administrator's certificate issued by the Department of Education but must confirm that s/he meets the continuing educational requirements for school administrators established by the State Board of Education. All others must either have a valid school administrator's certificate or be enrolled or become enrolled, within six (6) months of beginning the position, in a program leading to certification as a school administrator. Certification must be completed within three (3) years, or the person may not continue to be employed as the Superintendent.

The Superintendent must be employed pursuant to a signed contract. Such contract shall include:

A. the term for which employment is contracted, including beginning and ending dates;

B. that tenure in a position shall not be granted;

C. the salary which the Superintendent shall be paid and the intervals at which s/he shall be paid;

D. the benefits to which s/he is entitled;

E. such other matters as may be necessary to a full and complete understanding of the employment contract.

Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary shall be considered by this Board to constitute grounds for his/her dismissal.

The person selected for the position of Superintendent shall be required to undergo a physical examination reasonably related to the duties s/he will be required to perform, the cost of which shall be borne by the District.

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po1230

RESPONSIBILITIES OF THE SUPERINTENDENT

1230 - **RESPONSIBILITIES OF THE SUPERINTENDENT**

The Superintendent of Schools shall strive to achieve District goals by providing educational direction and supervision to the professional staff and supervision to the support staff and by acting as a proper model for staff and students both in and outside the District.

Duties and Responsibilities

The Superintendent shall be directly responsible to the Board of Education for the performance of the following assigned duties and responsibilities:

A. keep the Board informed of school operation by preparing monthly Board agendas, providing oral and written communication, scheduling management team committee meetings, and requesting special Board meetings that become necessary to keep the Board properly informed

B. ensure that all aspects of District operation comply with State laws and regulations as well as Board contracts and policies

C. establish and maintain any written educational plan that may be required by law and consistent with the educational goals adopted by the Board

D. ensure proper implementation of the current District-wide instructional plan as it applies to each building

E. strive to increase the efficient use of District resources in the daily operations of the schools

F. assign staff to achieve the maximum benefit toward the attainment of educational goals

G. evaluate the progress of the professional and support staff toward the attainment of educational goals

H. analyze the results of instructional program development as it applies to the Board's educational goals

I. recommend changes in instructional or staffing patterns based on an analysis of staff and program progress

J. work with principals to assure that decisions made at the building level are created by means of a site-based, decision-making process that includes participation of the school's administration and staff, parents, students and others in the community

K. work cooperatively with parents and community groups concerned with programs in the schools

L. develop personal capabilities in personnel strategies and facility management

M. work cooperatively with the Board and administrative staff

N. strive toward the highest standards of personal conduct

O. perform such other duties as the Board may direct

po1230.01

DEVELOPMENT OF ADMINISTRATIVE GUIDELINES

1230.01 - **DEVELOPMENT OF ADMINISTRATIVE GUIDELINES**

The Board of Education delegates to the Superintendent the function of designing and implementing the guidelines, required actions, and detailed arrangements under which the District will operate. These administrative guidelines shall not be inconsistent with the policies adopted by the Board.

The Board itself will formulate and adopt administrative guidelines and rules only when required by law, and when the Superintendent recommends Board adoption.

The Superintendent may also issue such administrative and student handbooks as s/he may consider necessary for the effective administration of the schools and distribute them to employees and students and/or their parents.

As long as the provisions of these administrative guidelines and handbooks are not inconsistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees and students.

po1240

EVALUATION OF THE SUPERINTENDENT

1240 - **EVALUATION OF THE SUPERINTENDENT**

The Board of Education believes it is essential that it evaluate the Superintendent's performance periodically in order to assist both the Board and the Superintendent in the proper discharge of their responsibilities and to enable the Board to provide the District with the best possible leadership. To carry out this responsibility, the Board will evaluate the Superintendent utilizing a rigorous, transparent, and fair performance evaluation system that does all of the following:

A. Evaluates the Superintendent’s job performance at least annually in a year-end evaluation, while providing timely and constructive feedback.

   A Superintendent rated highly effective prior to July 1, 2024 and/or effective after July 1, 2024 on three (3) consecutive year-end evaluations may be evaluated every other year, at the District’s discretion.

B. Establishes clear approaches to measuring student growth and provides the Superintendent with relevant data on student growth.

C. Evaluates the Superintendent's job performance prior to July, 2024 as highly effective, effective, minimally effective, or ineffective, and after July 1, 2024 as effective, developing, or needing support. Before the 2024-2025 school year, forty percent (40%) of the year-end evaluation shall be based on student growth and assessment data. Beginning with the 2024-2025 school year, twenty percent (20%) of the year-end evaluation shall be based on student growth or student learning objectives.

For the Superintendent, the pertinent data is that of the entire School District.

D. Uses the evaluations, at a minimum, to inform decisions regarding all of the following:

1. The effectiveness of the Superintendent, so that the Superintendent is given ample opportunities for improvement.

2. Retention and development of the Superintendent, including providing relevant coaching, instruction support, or professional development.

3. Removing an ineffective Superintendent after the Superintendent has had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures.

E. Prior to July 1, 2024, the portion of the annual year-end evaluation that is not based on student growth and assessment data shall be based on at least the following for the entire District:

1. The Superintendent's training and proficiency in conducting teacher performance evaluations if the Superintendent does so or the designee's proficiency and training if the Superintendent designates such duties.

2. The progress made by the school or District in meeting the goals established in the school/District improvement plan.

3. Student attendance.

4. Student, parent and teacher feedback and other information considered pertinent by the Board.

5. Beginning July 1, 2024, the portion of the evaluation that is not based on student growth or student learning objectives must be based on objective criteria.

F. For the purposes of conducting annual year-end evaluations under the performance evaluation system, the District shall adopt and implement one (1) or more of the evaluation tools for teachers, or administrators, if available, that are included on the list established and maintained by the Michigan Department of Education ("MDE"). However, if the District has one (1) or more local evaluation tools for administrators or modifications of an evaluation tool on the list, and the District complies with G., below, the District may conduct annual year-end evaluations for administrators using one (1) or more local evaluation tools or modifications.

G. The District shall post on its public website all of the following information about the measures it uses for its performance evaluation system for school administrators:

1. The research base for the evaluation framework, instrument, and process or, if the District adapts or modifies an evaluation tool from the MDE list, the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.

2. The identity and qualifications of the author or authors or, if the District adapts or modifies an evaluation tool from the MDE list, the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.

3. Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the District adapts or modifies an evaluation tool from the MDE list, an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.

4. The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.

5. A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.

6. A description of the plan for providing evaluators and observers with training.

H. The District shall:

1. provide training to the Superintendent on the measures used by the District in its performance evaluation system and on how each of the measures is used. This training may be provided by a district or consortium consisting of two (2) or more districts, the intermediate school district or a public school academy.

2. ensure that training is provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the District, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. The District may provide training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

The Board's evaluation shall also include an assessment of the progress toward the educational goals of the District.

Such assessments will be based on defined quality expectations developed by the Board for each criteria being assessed.

Beginning July 1, 2024, the evaluation system must include a mid-year progress report for the Superintendent in each year that they are evaluated. This mid-year progress report shall comply with M.C.L. 380.1249b and may not replace the annual evaluation.

The evaluation system shall ensure that if the Superintendent is rated as minimally effective or ineffective prior to July 1, 2024 or needing support or developing after July 1, 2024, the person(s) conducting the evaluation shall develop and require the Superintendent to implement an improvement plan to correct the deficiencies. The improvement plan shall recommend professional development opportunities and other measures designed to improve the rating of the Superintendent on the Superintendent's next annual year-end evaluation. A Superintendent rated as ineffective prior to July 1, 2024 and/or needing support after July 1, 2024 on three (3) consecutive year-end evaluations must be dismissed from employment with the District.

The evaluation program shall aim at the early identification of specific areas in which the Superintendent needs help so that appropriate assistance may be provided or arranged for. The Board shall not release the Superintendent from the responsibility to improve. If the Superintendent, after receiving a reasonable degree of assistance, fails

to perform assigned responsibilities in a satisfactory manner, dismissal or non-renewal procedures may be invoked. In such an instance, all relevant evaluation documents may be used in the proceedings.

Evaluations shall be conducted of each administrator as stipulated in the revised School Code, the employment contract, the Superintendent's administrative guidelines, and as directed by the Michigan Department of Education. An administrator shall be given a copy of any documents relating to the administrator's performance which are to be placed in the personnel file.

All contracts governing the employment of the Superintendent entered into, extended, renewed, or modified on or after July 1, 2024 must include an appeal process concerning the evaluation process and rating received.

This policy shall not deprive an administrator of any rights provided by State law or any contractual rights consistent with State law.

As an outcome of the evaluation of the Superintendent's performance, the Board should be prepared to judge the advisability of retention of the Superintendent and be prepared better to:

A. identify strengths and weaknesses in the operation of the District and determine means by which weaknesses can be reduced and strengths are maintained;

B. establish specific objectives, the achievement of which will advance the District toward its goals.

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Revised 7/11/16

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po1241

NON-REEMPLOYMENT OF THE SUPERINTENDENT

1241 - **NON-REEMPLOYMENT OF THE SUPERINTENDENT**

The Board of Education has an obligation to the citizens of this District to employ the professional leadership best trained and equipped to meet the educational needs of their children. It shall meet that obligation by retaining only a highly-qualified person as Superintendent for this District.

If the services of the Superintendent are found to be unsatisfactory to the Board, s/he shall be notified by the President and given an opportunity to correct the conditions.

If his/her services continue to be unsatisfactory, the Superintendent shall be notified in writing by the President, as approved by the Board.

The Board may non-renew the Superintendent's contract, with or without cause and with or without prior notice, provided it votes on non-renewal and provides written notice of the non-renewal at least ninety (90) days prior to expiration date of the contract. Failure to take timely action or give timely notice will result in renewal of the contract for an additional year.

The Board may choose whether to extend the contract for an additional year during the term of the contract, in accordance with the terms of the contract.

The contract of the Superintendent may be terminated during its term for cause. The Superintendent shall be entitled to notice of the reasons and a reasonable opportunity to address the Board prior to any vote on termination of the contract.

Revised 5/9/11

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po1242

PROCESS FOR EVALUATING THE SUPERINTENDENT

1242 - **PROCESS FOR EVALUATING THE SUPERINTENDENT**

The Board of Education will utilize the following process for completing the year-end evaluation of the Superintendent.

Planning

At the beginning of the year in which the evaluation is to occur, the Board and Superintendent convene a meeting in public and agree upon the following items:

A. Evaluation instrument

B. Evaluation timeline and key dates

C. Performance goals (if necessary beyond performance indicators outlined in rubric, district-wide improvement goals and student growth model)

D. Appropriate benchmarks and checkpoints (formal and informal) throughout year

E. Artifacts to be used to evidence Superintendent performance

F. Process for compiling the year-end evaluation

G. Process and individual(s) responsible for conducting the evaluation conference with the Superintendent

H. Process and individual(s) responsible for establishing a performance improvement plan for the Superintendent, if needed

I. Process and individual(s) responsible for sharing the evaluation results with the community

Checkpoints

The Board and Superintendent meet at key points in the evaluation year as follows:

A. **Three (3) months in - informal update:** Superintendent provides written update to the Board. Board President shares with the Superintendent any specific concerns/questions from the Board.

B. **Six (6) months in - Formal update:** Superintendent provides update on progress along with available evidence prior to convening a meeting in public. Board President collects questions from the Board and provides to Superintendent prior to meeting. Board and Superintendent discuss progress and make adjustments to course or goals, if needed.

C. **Nine (9) months in - informal update:** Superintendent provides written update to the Board. Board President shares with the Superintendent any specific concerns/questions from the Board.

D. **11-12 months in - Formal evaluation:** Superintendent conducts self-evaluation; presents portfolio with evidence to the Board (made available prior to meeting). Board members review portfolio prior to evaluation meeting; seek clarification as needed. Board President (or consultant) facilitates evaluation. Formal evaluation is adopted by the Board.

The Board will adhere to the following process when conducting the formal evaluation and conference:

A. **Prior to formal evaluation meeting:**

1. Superintendent prepares self-evaluation, compiles evidence and provides to the Board.

2. Board members seek clarity as needed regarding self-evaluation or evidence provided.

3. Board members receive blank evaluation instrument and make individual notes about their observations. Once the results are compiled, these notes are destroyed by the Board President and Superintendent.

B. **During formal evaluation meeting:**

1. Superintendent presents self-evaluation and evidence. Superintendent remains present throughout the meeting.

2. Board President (or consultant) reviews with the Board Superintendent's self-evaluation and evidence provided for each domain and facilitates conversation about performance.

3. Score is assigned for each performance indicator via consensus of the Board.

4. Upon completion of all performance indicators within all domains, calculation is made of overall professional practice score.

5. The Board reviews evidence provided related to progress toward district-wide goals.

6. Score is assigned for progress toward district-wide goals via consensus of the Board.

7. The Board reviews evidence provided related to District's student growth model.

8. Score is assigned for student growth via consensus of the Board.

9. Overall evaluation score is calculated based on professional practice, progress toward district-wide improvement goals and student growth ratings.

10. Trends identified by the Board during the evaluation are noted in comments.

11. The Board President calls for vote to adopt completed year-end evaluation for the Superintendent.

12. The Superintendent notes his/her comments on evaluation (if needed).

13. The Board President and Superintendent sign completed evaluation form.

The Board may go into closed session for certain aspects of the Superintendent's evaluation but ONLY at the request of the Superintendent. A Superintendent who has requested a closed session may rescind the request at any time.

The Board and the Superintendent will jointly develop student growth goals as well as district-wide goals to be used during the formal evaluation process.

When establishing performance goals, the Board will utilize the following guidelines:

A. involve all Board members and the Superintendent

B. decide on desired results

C. develop performance indicators

D. identify supporting documentation (evidence)

E. Review and approve final performance goals, indicators and evidence

F. monitor progress at scheduled checkpoints

The Board will utilize evidence to evaluate the Superintendent. Artifacts to serve as evidence of Superintendent performance should be identified at the beginning of the evaluation cycle and mutually agreed upon by the Board and the Superintendent. Artifacts should be limited to only what is needed to inform scoring Superintendent performance. The Board and Superintendent will establish when artifacts are to be provided, i.e., as they originate, at designated checkpoints, and/or during self-evaluation.

po1260

INCAPACITY OF THE SUPERINTENDENT

1260 - **INCAPACITY OF THE SUPERINTENDENT**

It is the legal duty of the Board of Education to appoint a Superintendent 'pro tempore' by a majority vote of the Board upon determination that the Superintendent is incapacitated in such a manner that s/he is unable to perform the duties of his/her office.

The Board shall fix the compensation of the Superintendent 'pro tempore' who shall serve until the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract or term of office, whichever is sooner. S/He shall perform all of the duties and functions of the Superintendent, and may be removed at any time for cause by a majority vote of the members of the Board.

The Board will exercise its authority under law to determine the incapacity of the Superintendent:

A. at the request of the Superintendent and with medical documentation;

B. upon certification of a physician selected and compensated by the Board.

If the Board determines that the Superintendent is unable to perform the duties of his/her office, s/he may at his/her request, be placed on sick leave, with pay, not to exceed the amount of his/her accumulated but unused sick leave and any advancement of such sick leave which may be authorized by Board policy;

The foregoing leave shall not extend beyond the contract or term of office of the Superintendent.

The Superintendent shall, upon request to the President of the Board, be returned to active duty status, unless the Board denies the request within ten (10) days of receipt of the request. The Board may require the Superintendent to establish to its satisfaction that s/he is capable of resuming such duties on a full-time basis.

The Board may demand that the Superintendent return to active service, and upon medical documentation that the Superintendent is able to resume his/her duties, the Superintendent shall return to active service.

The Superintendent may request a hearing before the Board on any action taken under this policy.

po1400

JOB DESCRIPTIONS

1400 - **JOB DESCRIPTIONS**

The Board of Education authorizes the Superintendent to maintain job descriptions which shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.

The job description for the Superintendent shall be defined as a policy of the Board.

All other job descriptions shall be defined as administrative guidelines of the Superintendent and each shall contain the following provision:

> "The employee shall remain free of any alcohol or nonprescribed controlled substance in the workplace throughout his/her employment in the District."

Employees shall properly implement Board Policy 3122, Policy 4122, and Policy 2260 on non-discrimination and shall comply with Federal and State laws and regulations, particularly Part 1 104 of Section 504 Rehabilitation Act of 1973 (34 CFR) and the Americans with Disabilities Act (ADA).

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po1411

WHISTLEBLOWER PROTECTION

1411 - **WHISTLEBLOWER PROTECTION**

The Board of Education expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative guidelines. The Board encourages and requires staff to report possible violations of these Board expectations. Parents, volunteers, contractors and concerned citizens are encouraged to report possible violations, when done in good faith belief.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

After such a report is made, the employee will be asked to put the report in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee had a good faith belief as to the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for knowingly making a false report under this policy. Employees may also be subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law involving or relating to the business of the District and they do not make a report confirmed in writing to a supervisor in accordance with this policy.

The Superintendent shall develop administrative guidelines necessary for implementation of this policy, including the development of forms upon which such reports may be made.

po1420

SCHOOL ADMINISTRATOR EVALUATION

1420 - **SCHOOL ADMINISTRATOR EVALUATION**

The Board of Education, through the powers derived from the School Code and other relevant statutes, is responsible for the employment and discharge of all personnel. To carry out this responsibility, with the involvement of school administrators, it delegates to the Superintendent, the function of establishing and implementing a rigorous, transparent, and fair performance evaluation system that does all of the following:

A. Evaluates the school administrator's job performance annually in a year-end evaluation, while providing timely and constructive feedback.

The Superintendent or designee shall perform administrators' evaluations. Administrators rated highly effective on three (3) consecutive year-end evaluations may be evaluated every other year, at the District's discretion.

B. Establishes clear approaches to measuring student growth and provides school administrators with relevant data on student growth.

C. Before the 2024-2025 school year, forty percent (40%) of the annual year-end evaluation shall be based on student growth and assessment data.

Prior to July 1, 2024 for building-level administrators, the data to be used is the aggregate student growth and assessment data that are used in teacher annual year-end evaluations in each school in which the school administrator works as an administrator. For a central office-level administrator, the pertinent data is

that of the entire School District.

Beginning in the 2024-2025 school year, the annual evaluation must include the student growth and assessment data or student learning objectives metrics and twenty percent (20%) of the annual evaluation must be based on student growth and assessment data or student learning objectives metrics.

After July 1, 2024, the evaluations must be based primarily on the administrator's performance as measured by the District's evaluation tool.

D. Uses the evaluations, at a minimum, to inform decisions regarding all of the following:

1. The effectiveness of school administrators, so that they are given ample opportunities for improvement.

2. Promotion, retention, and development of school administrators, including providing relevant coaching, instruction support, or professional development.

3. Removing ineffective school administrators after they have had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures.

4. Whether to grant full certification to school administrators using rigorous standards and streamlined, transparent, and fair procedures.

E. Prior to July 1, 2024, the portion of the annual year-end evaluation that is not based on student growth and assessment data shall be based on at least the

following for the school in which the school administrator works as an administrator:

1. The school administrators' training and proficiency in conducting teacher performance evaluations if they do so, or a designee's proficiency and training if the administrator designates such duties.

2. The progress made by the school or District in meeting the goals established in the school/District improvement plan.

3. Student attendance.

4. Student, parent and teacher feedback and other information considered pertinent by the Board.

After July 1, 2024, the portion of the year-end evaluation that is not based on student growth and assessment data or student learning objectives must be based on objective criteria.

F. For the purposes of conducting year-end evaluations under the performance evaluation system, the District shall adopt and implement one (1) or more of the evaluation tools for teachers or administrators, if available, that are included on the list established and maintained by the Michigan Department of Education ("MDE"). However, if the District has one (1) or more local evaluation tools for administrators or modifications of an evaluation tool on the list, and the District complies with G., below, the district may conduct annual evaluations for administrators using one (1) or more local evaluation tools or modifications. The evaluation tools shall be used consistently among the schools operated by the District so that all similarly situated school administrators are evaluated using the same measures.

G. The district shall post on its public website all of the following information about the measures it uses for its performance evaluation system for school administrators:

1. The research base for the evaluation framework, instrument, and process or, if the district adapts or modifies an evaluation tool from the MDE list, the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.

2. The identity and qualifications of the author or authors or, if the district adapts or modifies an evaluation tool from the MDE list, the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.

3. Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the district adapts or modifies an evaluation tool from the MDE list, an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.

4. The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.

5. A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.

6. A description of the plan for providing evaluators and observers with training.

H. The District shall also:

1. Provide training to school administrators on the measures used by the District in its performance evaluation system and on how each of the measures is used. This training may be provided a district or by a consortium consisting of two (2) or more districts, the intermediate school district or a public school academy.

2. Ensure that training is provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the District, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. The District may provide the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

Prior to July 1, 2024, administrators shall receive a rating of highly effective, effective, minimally effective, or ineffective. After July 1, 2024, the rating system must assign a rating of effective, developing, or needing support and the evaluation process shall comply with the requirements of M.C.L. 380.1249b. After July 1, 2024, if an administrator is rated as needing support, they will be provided with the options set out in M.C.L. 380.1249b.

The evaluation system shall ensure that if the administrator is rated as minimally effective or ineffective prior to July 1, 2024, or developing or needing support on or after July 1, 2024, the person(s) conducting the evaluation shall develop and require the school administrator to implement an improvement plan to correct the deficiencies. The improvement plan shall recommend professional development opportunities and other measures designed to improve the rating of the administrator on the next annual year-end evaluation. An administrator rated as ineffective prior to July 1, 2024, or

needing support on or after July 1, 2024 on three (3) consecutive year-end evaluations must be dismissed from employment with the District.

After July 1, 2024, the evaluation system must include a midyear progress report for each administrator in each year they are evaluated. This midyear progress report shall comply with M.C.L. 380.1249b and may not replace the annual evaluation.

After July 1, 2024, for the first three (3) years that an administrator is in a new administrative position, they shall be assigned a mentor or coach.

The evaluation program shall aim at the early identification of specific areas in which the individual administrator needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to an administrator shall not release that professional staff member from the responsibility to improve. If an administrator, after receiving a reasonable degree of assistance, fails to perform assigned responsibilities in a satisfactory manner, dismissal, or non-renewal procedures may be invoked. In such an instance, all relevant evaluation documents may be used in the proceedings.

Evaluations shall be conducted of each administrator as stipulated in the revised School Code, the employment contract, the Superintendent's administrative guidelines and as directed by the Michigan Department of Education. An administrator shall be given a copy of any documents relating to the administrator's performance which are to be placed in the personnel file.

This policy shall not deprive an administrator of any rights provided by State law or any contractual rights consistent with State law.

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po1421

CRIMINAL HISTORY RECORD CHECK

1421 - **CRIMINAL HISTORY RECORD CHECK**

Before the District hires any employee (full or part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"Under contract" shall apply to individuals, as well as owners and employees of entities, who contract directly with the District or with a third party vendor, management company, or similar contracting entity to provide food, custodial, transportation, counseling or administrative services on more than an intermittent or sporadic basis. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the District, the District shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the District or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the District prior to the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information ("CHRI").[1] Where the District will contract with a Private Contractor for the services of an individual, the District will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the District. The District may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the District should use the Affidavit of Assignment or similar "red light/green light" procedure.

Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

A. the record check has been requested;

B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and

C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

Individuals working in multiple districts may authorize the release of a prior criminal history records check with another district in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a school district, intermediate school district, public school academy or non-public school within the State, with no separation, may have their previous record check sent to the District in lieu of submitting to a new criminal background check. If this method is used, the Superintendent must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay off or leave of absence of less than twelve (12) months with the same employer; or the employee

transfers without a break in service to another school district, intermediate school district, public school academy or non-public school within the State.

All CHRI received from the State Police or produced by the State Police and received by the District from another proper source, will be maintained pursuant to Policy 8321.

When the District receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any felony unless both the Superintendent and the Board provide written approval.

The District must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the District with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the State Police. In addition, the Superintendent shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must submit, at no expense to the District, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to CHRI by the Superintendent Violation of confidentiality is considered a misdemeanor punishable by a fine up to $10,000.

Any notification received from the Michigan Department of Education or Michigan State Police regarding District employees with criminal convictions shall be exempt from disclosure under the Freedom of Information Act (FOIA) for the first fifteen (15) days until the accuracy of the information can be verified. Thereafter, only information about felony convictions or misdemeanor convictions involving physical or sexual abuse may be disclosed in reference to a FOIA request.

CHRI may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school academy or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

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[1] Individuals who submit and receive such criminal history record checks on behalf of the District must be direct employees of the District. Notwithstanding this, Information Technology contractors and vendors may be granted access to CHRI subject to

successful completion of a national fingerprint-based criminal history record check as detailed in Policy 8321.

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po1422

NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

1422 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

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

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all District operations and this policy applies to Prohibited Conduct occurring within or as a part of the District's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct with ongoing remedies as reasonably necessary to restore or preserve access to the District’s education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the below-described grievance procedures.

B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.

C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more employees, and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws. Ordinary teasing, horseplay, arguments, and peer conflict do not constitute bullying for purposes

of this policy.

Complainant means: an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or a person, other than an employee, who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Prohibited Conduct.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., days that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refer to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

Genetic information means: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical

research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person’s disability and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual’s particular disability. It also includes harassment based on traits or characteristics linked to an individual’s disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated.

Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of

a person of any gender against a person of the same or another gender.

1. Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching; and obscene gestures.

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

    c. Rape, sexual assault, or other acts of sexual violence.

    d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature placed in the work environment; asking or telling about sexual fantasies, sexual

preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment, or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space

Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It further 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.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. ”Pregnancy” and “childbirth” refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. “Related medical conditions” are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of

Federal and/or State civil rights laws.

Relevant means: related to the allegations of Prohibited Conduct under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

Remedies means: measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that Prohibited Conduct occurred.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

School District community means: students and Board employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Supportive measures means: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the complainant or the respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the District's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings; training related to Prohibited Conduct, referral to Employee Assistance Program, and other similar measures.

Third Parties means: guests and/or visitors on District property (e.g., visiting speakers,

participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the District undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in

protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with GINA, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The District Compliance Officer (see below) shall be responsible for overseeing the District's compliance with applicable Federal regulations and promptly dealing with any inquiries or complaints. The District Compliance Officer or designee shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the Americans with Disabilities Act ("ADA") or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not

provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

District Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "District Compliance Officer(s)" or "CO(s)"):

Director of Human Resources
6655 Consear Rd., Ottawa Lake, MI 49267
734-856-1443

The contact information concerning the District Compliance Officer(s) will be published on the School District's website and annually in parent/student and staff handbooks.

The District Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the CO(s) shall report directly to the Board's Legal Counsel until the matter in which the Superintendent is a party is concluded.

Questions about this policy should be directed to the District Compliance Officer(s).

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Copies of the laws and regulations listed above are available upon request from the CO(s).

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the District community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the District’s education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of

nondiscrimination on the District's website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of employees.

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours).

All Board employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Board employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Board employee must notify the/a CO within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Board employee's attention, and the reporting individual submitted a written notification/report or complaint to the Board employee, the Board employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Superintendent or another Board employee who, in turn, will notify the Superintendent of the report/complaint. The Superintendent will

then serve in place of the CO for purposes of addressing that report of Prohibited Conduct.

When a Board employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly (i.e., within two (2) daysof the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported 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 complaint, and explain to the complainant the process for filing a complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or

other individuals who are participating or attempting to participate in the District's education programs or activities (i.e., members of the School District community and Third Parties), or by the CO alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievances procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy.

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the District investigate and determine whether Prohibited Conduct occurred:

A. a "complainant," which includes:

1. an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or

2. a person other than an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a

time when that individual was participating or attempting to participate in the District's education programs or activities;

B. an authorized legal representative with the legal right to act on behalf of a complainant;

C. the District Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the District; or

B. any person other than an employee who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

The District may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the District's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged

violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Michigan Department of Civil Rights, at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The District will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the District Compliance Officer, the investigator, the decisionmaker, the appeal decisionmaker, and the facilitator of the informal resolution process, shall be free from any conflicts of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The CO may serve simultaneously as an investigator and/or a decisionmaker.

If the CO does not intend to serve as the investigator/decisionmaker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decisionmaker in a specific case, the CO shall, in consultation with and approval of the Superintendent or Board President (as appropriate), secure one (1) or more independent third parties to serve as the investigator and/or decisionmaker.

The District presumes that the respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. **Evaluation** – The District Compliance Officer will determine whether to dismiss a complaint or investigate it within ten (10) days of receiving the complaint.

B. **Investigation** – The CO, or designated investigator/decisionmaker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within twenty (20) days of the CO determining the charges require investigation.

   If, however, the CO, or designated investigator/decisionmaker, determines that the investigation is going to take longer, the CO will so notify the parties and the Superintendent and will thereafter keep the partiesand the Superintendentinformed of the status of the matter on a regular basis.

C. **Appeal –** A party filing an appeal of the CO's decision to dismiss a complaint, or the Determination, must do so within three (3)days of receiving the Dismissal or Determination

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The District will take reasonable steps to protect the privacy of the parties and witnesses. These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decisionmaker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible — including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily

waived the privilege or confidentiality; and

B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the District Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures and informal resolution process associated with claims involving Prohibited Conduct;

B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and

C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a complaint of Prohibited Conduct if:

A. the District is unable to identify the respondent after taking reasonable steps to do so;

B. the respondent is not participating in the District's education program or activity and is not employed by the Board;

C. the complainant voluntarily withdraws any or all the allegations in the complaint, the CO declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Prohibited Conduct even if proven; or

D. the District determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the complaint, the CO will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the CO will promptly notify, in writing, the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the respondent of the dismissal and the basis for the dismissal.

The CO will further notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the CO will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

B. implement appeal procedures equally for the parties;

C. ensure that the appeal decisionmaker did not take part in the original dismissal of the complaint;

D. ensure that the appeal decisionmaker has been trained consistent with this Policy;

E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

F. notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the complainant as appropriate;

B. if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the District's education programs or activities.

Informal Resolution Process:

In lieu of resolving a complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The District will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the District decides to investigate additional allegations of Prohibited Conduct by the respondent toward the complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different complaint involving the same respondent, the CO will notify the parties of the additional allegations.

Investigation:

The District will provide for an adequate, reliable, and impartial investigation of complaints.

The burden is on the District — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decisionmaker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The CO, or the designated investigator/decisionmaker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decisionmaker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that Prohibited Conduct occurred.

B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination

C. Not impose discipline on a respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in Prohibited Conduct.

D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:

1. coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education programs or activities limited or denied by the Prohibited Conduct;

2. coordinate the imposition of any disciplinary sanctions on a respondent; and

3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the District's education programs or activities.

E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.

F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of

whether Prohibited Conduct occurred.

Appeal of Determinations:

If a party disagrees with the decisionmaker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within five (5) days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decisionmaker, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

The CO will designate an appeal decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained

The CO has authority, in consultation with and approval of the Superintendent or Board President (as appropriate), to secure an independent Third Party to serve as the appeal decisionmaker.

In designating an appeal decisionmaker, the CO will work with the Board to identify and appoint an independent Third Party to serve as the appeal decisionmaker – this individual shall be considered to be the Board's designee and will submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO who will send it simultaneously to the parties.

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;

B. implement appeal procedures equally for the parties;

C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;

D. provide the appeal decisionmaker with the relevant and not otherwise impermissible evidence and the Determination; and

E. notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal or Determination

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have five (5) days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have ten (10) days to issue a decision on the appeal.

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was

originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe in detail the evidence, including how and when it was discovered/obtained, and explain why it was not reasonably available during the Investigation (i.e., prior to the Determination). If the appeal decisionmaker accepts the proffered explanation, the appeal decisionmaker should remand the case back to the investigator/decisionmaker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decisionmaker.

The appeal decisionmaker shall determine the outcome of the appeal based on the appeal decisionmaker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence and the written determination) and the appeal decisionmaker's application of the law and Board policy to the facts in the record. The appeal decisionmaker must give due deference and due weight to the decisionmaker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record read in its entirety compels a contrary conclusion. Generally, the appeal decisionmaker is expected to uphold the original Determination unless the appeal decisionmaker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decisionmaker shall submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO, who will send it simultaneously to the parties. The appeal decision shall set forth the result of the appeal and the appeal decisionmaker's rationale for the outcome.

The appeal decisionmaker's Board's decision shall be final.

Supportive Measures:

The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the District's provision of support measures does not require the District, Board employees, or any other person authorized to provide aid, benefit, or service on the District's behalf to alter the alleged

discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include, but are not limited to: modifications of work schedules, mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain work settings; training related to Prohibited Conduct; referral to Employee Assistance Program; and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the District's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The District will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the District may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The District will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the District's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the District may impose disciplinary sanctions, which may include:

A. oral or written warning;

B. written reprimands;

C. required training or education;

D. suspension with pay;

E. suspension without pay;

F. termination; and

G. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The District may also provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Michigan Constitution, Federal or State law, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a code of conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a complaint or information reported about possible Prohibited Conduct, for the purpose

of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The District shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination that Prohibited Conduct occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. The District will keep confidential the identity of any individual who has made a complaint of Prohibited Conduct, any complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District’s obligation to maintain confidentiality shall not impair or otherwise affect the complainant’s and respondent’s receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the respondent must be provided the complainant's identity.

During an investigation, the CO or designated investigator/decisionmaker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose

to other members of the School District Community or Third Parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment.

Training

All employees, investigators, decisionmakers, facilitators of informal resolution process, the District Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Training materials will be made available for inspection upon request by members of the public.

Recordkeeping (including retention of investigatory records and materials)

The District Compliance Officer(s) is/are responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for the period set forth below, unless required to be maintained for a longer period pursuant to the District's records retention schedule.

The District shall maintain for a period of seven (7) calendar years the following records:

A. for each complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed and the resulting outcome;

B. for each notification that the District Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the District took to implement this policy; and

C. all materials used to provide the training referenced above.

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

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including, but not

limited to, District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Board employee under this policy including, but not limited to, the functions assigned to the District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific complainant and/or respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible that unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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DRUG-FREE WORKPLACE

1422.01 - **DRUG-FREE WORKPLACE**

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia, by any member of the District's administration at any time while on District property or while involved in any District related activity or event. Any administrator who violates this policy shall be subject to disciplinary action in accordance with District guidelines.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each administrator is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed.

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ADMINISTRATOR DISCIPLINE

1439 - **ADMINISTRATOR DISCIPLINE**

Whenever it becomes necessary to discipline an Administrator, the Superintendent shall utilize the following principles and procedures. The Board, or its designee, shall utilize the following principles and procedures if the Superintendent is the subject of the disciplinary action.

The Superintendent/Board shall conduct an investigation of any alleged act or omission by an Administrator that could result in disciplinary action. The Administrator shall be provided with oral or written notice of the issue or incident being investigated.

The investigation shall include, at a minimum, interviews of appropriate persons and a meeting with the subject Administrator to allow the Administrator an opportunity to respond to the complaint. Prior notice of this meeting shall be provided to the Administrator for any discipline that may result in a suspension or loss of pay.

After completion of the investigation, if discipline is to be imposed, the Administrator shall receive written notice of the discipline and this notice shall also be placed in the Administrator's file.

Discipline may include, but is not limited to:

A. written warning;

B. written reprimand;

C. suspension (paid or unpaid);

D. discharge;

E. financial penalty in accordance with Michigan law.

The District does not have to apply discipline in a progressive manner, but, rather, may impose discipline consistent with seriousness of the Administrator's conduct, as determined by the District. Additionally, nothing in this policy limits the District's right to take other appropriate action, such as placing an Administrator on administrative leave during the pendency of an investigation or issuing a counseling memorandum, which is considered instructional, not disciplinary.

Discharge, demotion or non-renewal of an Administrator may only be imposed by the Board in adherence with the requirements of the Revised School Code.

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po1443

NON-RENEWAL OF ADMINISTRATIVE CONTRACTS

1443 - **NON-RENEWAL OF ADMINISTRATIVE CONTRACTS**

If the Board of Education determines to consider non-renewal of the contract of an administrator, either the Board or the Superintendent shall notify the administrator in writing of:

A. the reasons for possible non-renewal, which shall not be arbitrary or capricious; and

B. the right to meet with a majority of the Board, in open or closed session, to discuss the decision prior to the vote on non-renewal.

Such notice must be delivered to the administrator at least thirty (30) days prior to the date that the Board will vote on the issue of non- renewal.

The vote on non-renewal must occur:

A. in an open session; and

B. at least sixty (60) days prior to the termination date of the administrator's contract.

Written notice of the non-renewal decision must be provided to the administrator at least sixty (60) days prior to the termination date of the administrator's contract.

If the Board fails to allow for a meeting, or if the non-renewal is for arbitrary or capricious reasons as determined by a court, then the contract is renewed for one additional year.

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po1460

PHYSICAL EXAMINATION

1460 - **PHYSICAL EXAMINATION**

The Board of Education or Superintendent reserves the right to require any employee or candidate, after a conditional offer of employment, to submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties. Such examinations shall be done in accordance with the Superintendent's guidelines and/or the terms of the negotiated, collectively- bargained agreements.

All such requests for examination shall include the following notice to the examiner:

> "The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with

Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report of a condition that could influence job performance, the Superintendent shall base a nonemployment recommendation to the Board upon a conference with a physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

The Board shall assume any uninsured fees for required examinations.

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po1461

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

1461 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board of Education to protect students and employees from administrative staff members who are unable to perform essential job functions with or without accommodation.

The Board may place an administrative staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the administrative staff member will be offered the opportunity for a meeting to discuss these issues.

If an administrative staff member refuses to attend the meeting, the Board may order the administrative staff member to submit to an appropriate examination by a physician designated and compensated by the Board.

All such requests for examination shall include the following notice to the examiner:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II

from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

If, as a result of such examination, the administrative staff member is found to be unable to perform assigned duties with or without accommodation, the administrative staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year.

Should an administrative staff member refuse to submit to the examination requested by the Board and the administrative staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the administrative staff member to disciplinary action.

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po1540

ADMINISTRATIVE STAFF REDUCTIONS/RECALLS

1540 - **ADMINISTRATIVE STAFF REDUCTIONS/RECALLS**

It is the policy of this Board of Education that all personnel decisions shall be based on retaining effective administrators in situations involving a staffing or program reduction or any other personnel decision resulting in the elimination of a position, as well as for hiring after such reductions/position eliminations or recall to vacant positions. Length of service or tenure status may only be considered when all other factors are considered equal amongst the potentially affected administrators.

The effectiveness of administrators shall be measured in accordance with the District's performance evaluation system developed under Section 1249 of the School Code.

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po1613

STUDENT SUPERVISION AND WELFARE

1613 - **STUDENT SUPERVISION AND WELFARE**

Administrators shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards:

A. Each administrator shall report immediately to the Superintendent any accident, safety hazard, or other potentially harmful condition or situation s/he detects.

B. Each administrator shall immediately report to the Superintendent any knowledge of threats or violence by students.

C. An administrator shall not send students on any personal errands.

D. An administrator shall not associate or fraternize with students at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any sexual or other inappropriate conduct with a student by any administrator will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.

E. If a student approaches an administrator to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the administrator may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should an administrator attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such administrator inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.

F. An administrator shall not transport students in a private vehicle without the approval of the Superintendent.

G. A student shall not be required to perform work or services that may be detrimental to his/her health.

H. Administrators shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the Superintendent.

I. Administrators are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school- sponsored publication or production in accordance with Policy 5722.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Board Policy 8462, each administrator shall report to the proper legal authorities, immediately, any sign of suspected child abuse or neglect.

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po1615

USE OF TOBACCO BY ADMINISTRATORS

1615 - **USE OF TOBACCO BY ADMINISTRATORS**

The Board of Education recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser, including the effects of secondhand smoke and vapor/aerosol exposure, and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco products from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco products on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

The Board prohibits the use consumption, display, activation, promotion, sale, or possession of a tobacco product by employees in District buildings, on District property (owned or leased), in District vehicles, and at any District-related event at all times (twenty-four (24) hours a day, seven (7) days a week) within any enclosed facility owned, leased, or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to school grounds, athletic facilities and any school-related event.

For purposes of this policy:

A. “electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device

including, but not limited to, an e-cigarette (including, but not limited to, “JUUL”, “NJOY,” “BREEZE,” “Puff Bar,” etc.), e-cigar, e-pipe, vape pen, or e-hookah;

Electronic smoking device includes any component, part, or accessory of the device and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

B. “off-campus, schools-sponsored event” means any event sponsored by the school or School District that is not on school property including, but not limited to, sporting events, day camps, field trips, dances, or theatrical productions;

C. “employees” means any person employed by Whiteford Agricultural Schools as full-time or part-time, or any position contracted for or otherwise employed, with direct or indirect monetary wages or compensation paid by Whiteford Agricultural Schools, or anyone working on a volunteer basis; This term includes, but is not limited to, faculty, service personnel, volunteers, chaperones, student teachers, adult classroom or student aides, and other adults working for Whiteford Agricultural Schools.

D. “tobacco product” means 1) any product containing, made of, or derived from tobacco or nicotine (including synthetic nicotine) that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; 2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or 3) any component, part, or accessory of 1) or 2) whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes;

Tobacco product does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

E. "use of a tobacco product" means any of the following:

1. inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation (use of a tobacco product includes using an electronic smoking device);

2. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device;

3. the chewing of a tobacco product;

4. the placing of a tobacco product within a person's mouth;

The Superintendent shall require the posting of signs as required.

Advertising/Promotion

In accordance with Policy 9700.01, tobacco product advertising is prohibited on school grounds, in all school or District-sponsored publications, and at all school or District-sponsored events.

The promotion of tobacco products, including clothing, bags, lighters, gear, technology accessories, signs, structures, vehicles, fliers, other personal articles, or any other

product or paraphernalia are not permitted on school grounds, in school vehicles, or at school or District-sponsored events.

No employee on behalf of the District may solicit or accept any contributions, gifts, or money from the tobacco industry - to include, but not be limited to, donations, monies for sponsorships/scholarships, advertising, promotions, loans or support for equipment, uniforms, and sports and/or training facilities.

Enforcement

Employees who violate this policy shall be subject to disciplinary action in accordance with the applicable Collective Bargaining Agreement and/or in accordance with policies of the Board. Employees subject to such action may also be referred for smoking cessation treatment, support, and education services.

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po1616

STAFF DRESS AND GROOMING

1616 - **STAFF DRESS AND GROOMING**

The Board of Education believes that administrators set an example in dress and grooming for their students to follow. An administrator who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all professional staff members shall:

A. be physically clean, neat, and well-groomed;

B. dress in a manner consistent with their professional responsibilities;

C. dress in a manner that communicates to students a pride in personal appearance;

D. dress in a manner that does not cause damage to District property;

E. be groomed in such a way that their hairstyle or dress does not disrupt the educational process nor cause a health or safety hazard.

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po1619

GROUP HEALTH PLANS

1619 - **GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

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PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

1619.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Medical Plan

B. Prescription Drug Plan

C. Dental Plan

D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Administrative Assistant (Superintendent/Business Office) to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services,

participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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po1619.03

PATIENT PROTECTION AND AFFORDABLE CARE ACT

1619.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html

B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

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po1623

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

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

The Board of Education prohibits discrimination against any employee or applicant based upon the employee's or applicant's disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one (1) or more major life activities. Major life activities are functions such as caring for one's self, 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.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

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

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual 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 required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)").

Director of Human Resources
(734) 856-1443 x 111
6655 Consear Rd.
Ottawa Lake, MI 49267

The names, titles, and contact information of these individuals will be published annually on the School District's website.

The District Compliance Officer(s) are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be published on the District's website and posted throughout the District, and included the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that they have been discriminated against on the basis of 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.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

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 with a District Compliance Officer within the time limits specified below. The District's Compliance Officer is available to assist individuals in filing a complaint.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. 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. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the District Compliance Officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the District

Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the District Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the District Compliance Officer for good cause.

C. The District Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). 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. The District Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The District Compliance Officer shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render ahis/her decision with ten (10) days of the hearing.

E. The employee may be represented, at the employee'shis/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that they have been subjected to discrimination based upon disability in violation of Section 504 or the 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
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012
TDD: 800-877-8339
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because

that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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T.C. 8/14/17
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T.C. 7/1/22
T.C. 12/8/25

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po1630.01

FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

1630.01 - **FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

In accordance with Federal law, the Board of Education shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible administrators for the following reasons:

A-1.

the birth of a child and/or the care of a newborn child within one (1) year of the child's birth

B-1.

the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival

C-1.

the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or

D-1.

the staff member's own serious health condition prevents him/her from performing the functions of his/her position

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2.

A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

B-2.

To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade,

rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of fifty percent (50%) or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

Duration of Service Member FMLA

A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.

B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General FMLA Provisions

Administrators are "eligible" if they have worked for the Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. Service time may be aggregated when the break in service is less than seven (7) years for military obligation or subject to recall under a collective bargaining agreement. All full-time administrators are deemed to meet the 1,250 hour requirement. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period for determining hours worked and use of leave is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

B. continuing treatment by a healthcare provider, including:

1. a period of incapacity of more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either in person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity absent extenuating circumstances beyond the employee's control, or in person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;

   The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.

2. any incapacity due to pregnancy or for prenatal care;

   An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.

3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;

5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or

treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis);

C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Whenever the leave is foreseeable, the staff member shall provide the Superintendent with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the District, subject to the approval of the healthcare provider.

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation leave, personal leave or family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the birth, adoption or foster care placement of a child, or qualifying exigency for a Service Member Family Leave (see A-1, B-1, and A-2 on page one).

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the staff member’s own serious health

condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one and B-2 on page two).

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) or twenty-six (26) week period of FMLA leave, any additional weeks of leave to which the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave for a qualifying leave under this policy, such leave will count towards the maximum allowable leave, the paid leave, and FMLA/Service Member Family leave to which the staff member is entitled will run concurrently.

The Superintendent may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for the birth, adoption or foster care placement of a child (see A-1 and B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one). The taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the Superintendent may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The Superintendent will notify the staff member when the District intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days. In the case of intermittent or reduced-leave schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent does not have sufficient information about the reason for an employee's use of paid leave, the Superintendent may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement.

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child, or twenty-six (26) weeks of FMLA leave for Service Member Leave.

When FMLA leave is taken for the staff member’s own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one), the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member). When the staff member requests qualifying Service Member Leave, s/he must provide certification of a qualifying exigency or of the service member's serious illness. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member may either:

A. submit the completed medical certification to the Superintendent; or

B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide medical certification, any leave taken by the employee will not qualify for FMLA Leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent. The District shall be responsible for maintaining a record of those communications.

The Board reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent; or

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the employee will not qualify for FMLA leave.

A staff member who takes leave for his/her own serious health condition prior to returning to work, must provide the Superintendent with a statement from his/her healthcare provider that s/he is able to resume work.

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program. Special rules under the FMLA may apply for instructional staff.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition of the staff member or of the staff member's immediate family member, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Superintendent shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the District has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent.

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po2105

MISSION OF THE DISTRICT

2105 - **MISSION OF THE DISTRICT**

Engaged in our Learning, Encouraged by our Community, and Empowered for our World. We are Whiteford!

po2110

STATEMENT OF PHILOSOPHY

2110 - **STATEMENT OF PHILOSOPHY**

The Board of Education believes that the purpose of education is to facilitate the development of the potential of each student. In a free society, every individual has both the right and responsibility to make choices and decisions for himself/herself and for society. A prerequisite for every member of such a society in meeting those responsibilities is competence in the use of the rational thought processes needed to make intelligent, ethical choices and decisions. If our society, as originally conceived, is to survive and function effectively, its young people need to be prepared to exercise their rights and their responsibilities in ways that benefit them and the society. Likewise, if individuals are to be able to achieve their life goals in a free society, they need to be competent to choose among the myriad alternatives that are and continue to be available to them.

The enculturation process in our society focuses on preparing the young to meet certain expectations and to avail themselves of opportunities to attain personal goals within that society. The District's program should reflect the formal aspect of the enculturation process, and, therefore, needs to focus on both the areas of societal expectations and personal opportunity available in our society.

With regard to societal expectations, people in this society are expected to:

A. be self-sufficient -- that is, to meet their own needs, to the extent they are able, in their own way and without inhibiting others' opportunity to do the same;

B. fulfill their responsibilities to contribute to the "common good" by actively participating in affairs affecting all members of society.

Today there is ample evidence that many students are not learning how to make effective, rational, responsible, or ethical choices or decisions in regard to how they treat their minds and bodies, how they plan their futures, how they cope with frustration, or how they solve personal, social, and economic problems.

The Board and staff believe that the thought and action process involved in taking intelligent, ethical action can be learned just as any other set of procedures can be learned, provided students are given consistent, appropriate opportunities to:

A. see the procedures modeled;

B. learn what the procedures are;

C. practice using the procedures and correct ineffective use of them;

D. apply the procedures to a variety of relevant situations.

The District is committed to ensuring adequate provision for such opportunities and to the applications of these processes to achieving the other educational goals associated with the District's mission.

po2112

PARENT AND FAMILY ENGAGEMENT

2112 - **PARENT AND FAMILY ENGAGEMENT**

The Board of Education recognizes and values parents and families as children's first teachers and decision-makers in education. The Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student's parents and family. Such a partnership between the home and school and greater involvement of parents and family members in the education of their children generally result in higher academic achievement, improved student behavior, and reduced absenteeism. This policy shall serve as the District policy, as well as the Parent and Family Engagement policy for each school in the District.

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), defines the term "parent" to include a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare).

The term "family" is used in order to include a child’s primary caregivers, who are not the biological parents, such as foster caregivers, grandparents, other family members and responsible adults who play significant roles in providing for the well-being of the child.

Family engagement is a collaborative relationship between families, educators, providers, and partners to support and improve the learning, development, and health of every learner. The principles of family engagement include: relationships as the cornerstone; positive learning environments; efforts tailored to address all families, so all learners are successful; purposeful and intentional efforts that clearly identify learner outcomes; and engaging and supporting families as partners in their child's education.

Through this policy, the Board directs the establishment of a Parental Involvement Plan by which a school-partnership can be established and provided to the parent of each child in the District. The plan must encompass parent participation, through meetings and other forms of communication. The Parental Involvement Plan shall reflect the Board's commitment to the following:

A. **Relationships with Families**

1. cultivating school environments that are welcoming, supportive, and student-centered;

2. providing professional development for school staff that helps build partnerships between families and schools; [1,2]

3. providing family activities that relate to various cultures, languages, practices, and customs, and bridge economic and cultural barriers; [1,2]

4. providing coordination, technical support and other support to assist schools in planning and implementing family involvement activities. [2]

B. **Effective Communication**

1. providing information to families to support the proper health, safety, and well-being of their children;

2. providing information to families about school policies, procedures, programs, and activities; [1,2]

3. promoting regular and open communication between school personnel and students' family members;

4. communicating with families in a format and language that is understandable, to the extent practicable; [1,2]

5. providing information and involving families in monitoring student progress; [2]

6. providing families with timely and meaningful information regarding Michigan's academic standards, State and local assessments, and pertinent legal provisions; [1,2]

7. preparing families to be involved in meaningful discussions and meetings with school staff. [1,2]

C. **Volunteer Opportunities**

1. providing volunteer opportunities for families to support their children's school activities; [2]

2. supporting other needs, such as transportation and child care, to enable families to participate in school-sponsored family involvement events. [2]

D. **Learning at Home**

1. offering training and resources to help families learn strategies and skills to support at-home learning and success in school; [1,2]

2. working with families to establish learning goals and help their children accomplish these goals.

3. helping families to provide a school and home environment that encourages learning and extends learning at home. [1]

E. **Involving Families in Decision Making and Advocacy**

1. engaging families as partners in the process of school review and continuous improvement planning; [2]

2. engaging families in the development of its District-wide parent and family engagement policy and plan, and distributing the policy and plan to families. [1,2]

F. **Collaborating with the Community**

1. building constructive partnerships and connecting families with community-based programs and other community resources; [1,2]

2. coordinating and integrating parent and family engagement programs and activities with District initiatives and community-based programs that encourage and support families' participation in their children's education, growth, and development. [1,2]

Implementation

The Superintendent will provide for a comprehensive plan to engage parents, families, and community members in a partnership in support of each student's academic achievement, the District's continuous improvement, and individual school improvement plans. The District's plan, as well as each school's plan, will be distributed to all parents and students through publication in the Student Handbook or other suitable means. The plan will provide for annual evaluation, with the involvement of parents and families, of the plan's content, effectiveness and identification of barriers to participation by parents and families with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background; the needs of parents and family members to assist with the learning of their children (including engaging with school personnel and teachers); and the strategies to support successful school and family interaction. Each school plan will include the development of a written school-parent compact jointly with parents for all children participating in Title I, part A activities, services, and programs. The compact will outline how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Evaluation findings will be used in the annual review of the Parent and Family Engagement policy and to improve the effectiveness of the District plan. This policy will be updated periodically to meet the changing needs of parents, families, and the schools.

[1]Indicates IDEA 2004 Section 650 & 644 parent involvement requirements

[2]Indicates Title I Section 1118 parent involvement requirements

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po2120

SCHOOL IMPROVEMENT

2120 - **SCHOOL IMPROVEMENT**

The Board of Education supports the concept of school improvement as established by the State Board of Education and will seek to create and/or maintain effective schools as defined by State guidelines.

In addition to adopting a Mission Statement for the District, the Board shall create, as needed, policies which support the School Improvement Process.

The Superintendent shall establish administrative guidelines which will ensure that the following objectives can be achieved:

A. School improvement plans which are developed and implemented by school-based teams that work collaboratively so that both building level and District level goals for students can be identified and correlated, and then achieved through effective planning, problem-solving, and assessment. Each such team is to include professional and support staff, students, parents, and representatives of the community.

B. A District-wide, school-improvement plan which provides for building-level decision-making. Each school's improvement plan is to include a mission statement; goals based on academic outcomes; curriculum aligned to the goals; evaluation procedures; staff development; use of community resources and volunteers; decision-making processes; the role of adult and community education, libraries, and community colleges; and other matters as determined by the Superintendent.

C. Periodic review and approval by the Superintendent and the Board of each school's modification and improvement of its program based on the school's assessment of student accomplishment of performance objectives and program goals.

D. Collaboration at both the building and District levels with parents, relevant institutions and groups, especially those in the community, who can support and facilitate school improvement in the District.

Upon approval of a school's initial plan and its later revisions, the Board and Superintendent shall fully support, to the extent that resources allow, the school's educational improvement program.

E. This improvement program may include:

1. co-curricular activities.

2. extra-curricular activities.

po2210

CURRICULUM DEVELOPMENT - APPROVED COURSES

2210 - **CURRICULUM DEVELOPMENT - APPROVED COURSES**

The Board of Education recognizes its responsibility for the quality of the educational program of the schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum growth established by the Superintendent.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined as:

A. the courses of study, subjects, classes, and organized activities provided by the school;

B. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group;

C. learning activities approved by the Board for individuals or groups of students and expressed in terms of specific instructional objectives or class periods;

D. the plan for learning necessary to accomplish the educational goals of the District;

E. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group, necessary to accomplish the educational goals of the District.

The Board directs that the curriculum of this District:

A. provide grade-appropriate instruction on career development in each grade level from kindergarten through 12th;

B. provides instruction in courses required by statute and State Department of Education regulations;

C. ensures, to the extent feasible, that special learning needs of students are provided for in the context of the regular program or classroom and provides for effective coordination with programs or agencies that are needed to meet those needs that cannot be dealt with in the regular program or classroom;

D. be consistent with the District's philosophy and goals and ensure the possibility of their achievement;

E. incorporate State-recommended performance standards for students as the basis for determining how well each student is achieving the academic outcomes for each area of the District's core curriculum;

F. allows for the development of individual talents and interests as well as recognizes that learning styles of students may differ;

G. provides a strategy for continuous and cumulative learning through effective articulation at all levels, particularly of those skills identified as essential and life-role skills;

H. utilizes a variety of learning resources to accomplish the educational goals;

I. encourages students to utilize guidance and counseling services in their academic and career planning;

J. provides for multi-cultural education by including, at each level, courses or units which help students understand the culture and contributions of various ethnic groups comprising American society, including, but not limited to Euro-Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native-Americans.

As educational leader of the District, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The Superintendent shall make progress reports to the Board periodically.

The Superintendent may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program and to better ensure accomplishment of the District's educational goals.

The Superintendent shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs.

Unless the Board disapproves, the Superintendent may proceed to conduct the program.

The Board directs the Superintendent to pursue actively State and Federal aid in support of the District's innovative activities.

Approved Courses

The Board shall adopt a list of the individual courses that have been approved. The list shall include courses offered by the District for credit or grade promotion and shall be used when determining which courses may be included in membership for State aid purposes and for auditing purposes when examining the membership counted for State school aid on the count days. The list of approved courses shall include traditional offerings and courses offered through other means, such as experiential learning courses, online courses, and all courses offered in shared time programs under appropriate provisions of the State School Aid Act. (M.C.L. 388.1766b). The list of approved courses shall include all extended learning opportunities associated with each course and a description of each such opportunity. The list shall also include a description of the content of each approved course, documentation related to course approval (including the list of approved courses for membership purposes), and documentation related to the calculation of instructional time for each approved course.

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po2220

ADOPTION OF COURSES OF STUDY

2220 - **ADOPTION OF COURSES OF STUDY**

The Board of Education shall provide a comprehensive instructional program to serve the educational needs of the students of this District. In furtherance of this goal and pursuant to law, the Board shall periodically adopt courses of study.

No course of study shall be taught in the schools of this District unless it has been adopted by the Board. The Board shall determine which units of the instructional program constitute courses of study and are thereby subject to the adoption procedures of the Board.

The Superintendent shall recommend to the Board such courses of study as are deemed to be in the best interests of the students. The Superintendent's recommendation shall include the following information about each course of study:

A. its applicability to students and an enumeration of those groups of students to be affected by it

B. the intended learning objective(s), defined in terms of how the learning is applied

C. its scope and sequence and a statement of the rationale used to determine the amount and type of instructional time needed to accomplish the objectives at each level

D. its justification in terms of the goals of this District, especially when it is proposed to take the place of an existing course of study

E. the resources that its implementation will require, including instructional materials, equipment, specially-trained personnel, etc.

The Superintendent shall provide for a World History course for the middle school or high school grades which includes instruction regarding Africa with a focus on at least one (1) or more of the following kingdoms: Ghana, Mali, Songhay, Benin, Bornu, Nubia, Axum, Meroe, Monomotapa, or medieval Ethiopia, or on the Swahili coast prior to 1750. This section is not intended to prohibit or limit teaching about other areas of African history.

The learning that results from each course of study should be durable, significant, and transferable and require a high level of student achievement of clearly-defined, cumulative performance objectives.

The plan for student assessment for each course of study should include the criteria and standards that will be used to determine when students may need to participate in remedial, supplemental, or accelerated activities in order to ensure that each student has been provided the opportunity to achieve at his/her optimum level.

Each course of study is intended to provide a basic framework for instruction and learning. Within this framework, each teacher shall use the course of study in a manner best designed to meet the needs of the students for whom s/he is responsible. Deviation from its content must be approved in accordance with the Superintendent's administrative guidelines.

Since one of the District's goals is to prepare students to enter the world of work, the Board directs that each course of study include as part of its learning accomplishments that students can demonstrate their willingness and ability to be punctual, to be present at the learning site each day unless absent for a legitimate reason, and to complete assignments on time and as directed.

The Superintendent shall develop administrative guidelines which provide for the development of individual learning plans that contain pre and post assessment activities as well as instructional activities for implementing each course of study. Such plans should also provide for proper record-keeping and periodic reporting of student performance. As required for State certification, the Superintendent shall ensure that the appropriate amount of instruction time is allocated to each course of study that comprises the program of each school. The allocation of time is to be determined by the Superintendent and appropriate members of the staff and shall be justified in terms of the amount of time needed for students to accomplish the curriculum objectives of the core curriculum as well as the District's educational outcomes.

In keeping with the Board's commitment to the school improvement process, such guidelines shall also provide for the appropriate participation of staff, parents, students, and relevant community organizations in the review of the District's courses of study.

The Superintendent shall maintain a current list of all courses of study offered by this District and shall provide each member of the Board with a current list of all courses of study.

The list shall include the data on each furnished with the recommendation for its adoption.

po2221

MANDATORY COURSES

2221 - **MANDATORY COURSES**

In compliance with the Michigan School Code, the Board of Education directs the Superintendent to prepare, implement, and supervise courses of instruction in the following areas:

A. the Constitution of the United States and Michigan, and in the history and present form of government of the United States, and Michigan and its political subdivisions

B. the principal modes by which communicable disease is spread and the best methods for the restriction and prevention of these diseases

C. instruction in physiology and hygiene with special emphasis on drug abuse prevention

D. age and grade appropriate instruction in grades 8 through 12 about genocide, including, but not limited to, the Holocaust and the Armenian Genocide

The Superintendent shall prepare appropriate guidelines relative to the planning, teaching, and evaluation of these courses.

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po2225

STUDENT WITH LIMITED ENGLISH PROFICIENCY (LEP)

2225 - **STUDENT WITH LIMITED ENGLISH PROFICIENCY (LEP)**

It is the policy of the Board of Education that all students be provided a meaningful education and access to the programs provided by the District. Limited proficiency in the English language should not be a barrier to equal participation in the instructional or extra- curricular programs of the District. It is, therefore the policy of this District that those students identified as having limited English proficiency will be provided additional support and instruction to assist them in gaining English proficiency and in accessing the educational and extra-curricular programs offered by the District.

Further, the District will endeavor to assist the student and his/her parents in their access to District programs by sending notices to the parents in a language or format that they are likely to understand (also see Policy 2260).

po2230

COURSE GUIDES

2230 - **COURSE GUIDES**

The Board of Education recognizes that there may be a need from time to time to augment one or more segments of a course of study with a guide in order to better accomplish learning results with students.

As appropriate to the course of study, each guide shall contain:

A. the intended learning outcome(s), defined in terms of how the learning is applied;

B. knowledge, skills, attitudes, and values needed to achieve those outcomes;

C. learning activities needed to achieve the outcome if applicable;

D. appropriate materials and resources;

E. suggested methods of instruction;

F. evaluation criteria, standards, and methods which will confirm the extent to which learning outcomes have been achieved;

G. a list of supplemental materials for the guidance of teachers.

The Superintendent shall be responsible for the preparation of course guides and shall establish administrative guidelines related to their preparation.

All new course guides and revisions of existing guides shall be submitted to the Board for approval before they are implemented. Copies of all current course guides shall be kept on file in the office of the Superintendent, the high school, and the middle school.

po2231

CORE CURRICULUM

2231 - **CORE CURRICULUM**

In order to comply with State law, the Board of Education shall adopt a core curriculum which is to be based on the Model Core Curriculum developed by the State Board of Education. The Superintendent shall prepare administrative guidelines which will provide for a description of the courses that will comprise the core curriculum as well as the sequence, in grade clusters, in which such courses will be taught.

Should the core curriculum vary from the State model, the description of the core curriculum is to be accompanied by an explanation of the District's variations from the model and shall verify that no attitudes, beliefs, or value systems are included in the curriculum that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society.

The Superintendent's guidelines shall provide for an explanation of the means by which the core curriculum will be implemented and evaluated based on the K - 12 Program Standards of Quality established by the State Board of Education.

The administrative guidelines shall also assure each student a fair opportunity to achieve the academic outcomes established for the core curriculum. Such guidelines should ensure that instruction in each area of the core curriculum focuses on the learning processes students need to use to achieve the academic outcomes and should provide procedures for special assistance to students who are not achieving the outcomes.

po2240

CONTROVERSIAL ISSUES

2240 - **CONTROVERSIAL ISSUES**

The Board of Education believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion and/or is likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

A. is related to the instructional goals of the course of study and level of maturity of the students;

B. does not tend to indoctrinate or persuade students to a particular point of view;

C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and it is not substantially disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal.

When controversial issues have not been specified in the course of study, the Board will permit the instructional use of only those issues which have been approved by the principal or the Superintendent.

In the discussion of any issue, a teacher may express a personal opinion, but shall identify it as such, and must not express such an opinion for the purpose of persuading students to his/her point of view.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either content or activities conflicts with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from particular classes for specified reasons. The student, however, will not be excused from participating in the course or activities mandated by the State and will be provided alternative learning activities during times of parent requested absences.

The Superintendent shall develop administrative guidelines for dealing with controversial issues.

po2250

INNOVATIVE PROGRAMS

2250 - **INNOVATIVE PROGRAMS**

The Board of Education wishes to promote the continued improvement of the instructional and curricular program of the schools through all appropriate means. The Board will encourage members of the school staff and of the student body who wish to pursue a promising program for school improvement.

An innovative program design shall address the steps below when appropriate to the project:

A. rationale

B. specific objectives

C. supportive research

D. budgeting

E. in-service requirements

F. plans for broader implementation

G. methods for evaluation

Each innovative program shall be consistent with the District's objectives and long range plans. Programs designed for disabled students must comply with Federal and State guidelines.

po2260

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

2260 - **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth.

As such, the Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

A. **Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon Protected Classes, ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. **Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon Protected Classes in all aspects of the program;

C. **Student Access**

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;

2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of School Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

This language does not prohibit the District from establishing and maintaining a single-gender school, class, or program within a school if a comparable school, class, or program is made available to students of each gender.

D. **District Support**

verify that like aspects of the District program receive like support as to staff size

and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. **Student Evaluation**

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

Definitions:

Words used in this policy shall have those meaning defined herein: words not defined shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Director of Human Resources
(734) 856-1443 x 111
6655 Consear Rd.
Ottawa Lake, MI 49267

The names, titles, and contact information of these individuals will be published annually on the School District's website.

The District will accommodate the use of certified service animals when there is an established need for such supportive aid in the school environment. Certain restrictions may be applied when necessary due to allergies, health, safety, disability or other issues of those in the classroom or school environment. The goal shall be to provide all students with the same access and participation opportunities provided to other students in school. Confirmation of disability, need for a service animal to access the

school programming, and current certification/training of the service animal may be required.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 0-25, who reside in the District but do not receive public education.

The Board is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

In addition, the Superintendent shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (also see Policy 2225). The Superintendent is responsible for verifying that a

concentration of students who are Limited English Proficient (LEP) in one or more programs is not the result of discrimination.

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and Board employees are required, and all other members of the School District community and Third Parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO within two (2) days.

Members of the School District community, which includes students or Third Parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful

discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant, if age eighteen (18) or older, or the Complainant's parents/guardians if the Complainant is under the age of eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Programs or Activities, any student who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual’s claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Ave., SW, Washington, DC 20202-1100, Telephone: (800) 421-3481, FAX: (202) 453-6012, TDD: 800-877-8339, E-mail: OCR@ed.gov, Web: http://www.ed.gov/ocr.

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the COs.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the Complainant's wishes, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the Complainant about how to communicate concerns to the Respondent.

B. Distributing a copy of Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity to the individuals in the school building or office where the Respondent works or attends.

C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint, and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District official at the student's school, the CO, Superintendent, or another District official who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs a teacher, Principal, or other District official at the student's school, Superintendent, or other District employee, either orally or in writing, about any

complaint of discrimination/retaliation, that employee must report such information to the CO/designee within two (2) days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation. The Principal will not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) days of receiving the formal complaint. The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if unlawful discrimination or retaliation occurred, a

preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent shall be final.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the

right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participate or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

The District will endeavor to assist the student and/or the student's parents in their access to District programs by providing notices to the parents and students in a language and format that they are likely to understand.

Materials approved by the State Department of Education describing the benefits of instruction in Braille reading and writing shall be provided to each blind student’s individualized planning committee. The District shall not deny a student the opportunity for instruction in Braille, reading, and writing solely because the student has some remaining vision.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation, which may include, but not be limited to:

A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/ complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

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 and/or the District's response to the alleged violation of this policy;

D. written witness statements;

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

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (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 this policy;

I. dated written determinations/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 this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent 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 this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

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

These investigative records and materials created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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T.C. 12/8/25

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po2260.01

SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

2260.01 - **SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA") and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of the individual's disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Education does not discriminate in admission or access to, or participation or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities and the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

A. who is of an age during which nondisabled persons are provided educational services;

B. who is of any age during which it is mandatory under Michigan law to provide educational services to disabled persons; or

C. to whom the State is required to provide a free, appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a person with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Board will not deny a student with disabilities access to its vocational education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)".

Director of Human Resources
734-856-1443 x 111
6655 Consear Rd.
Ottawa Lake, MI 49267

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the School District's website.

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

The District Compliance Officer(s)are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of the implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing. See AG 2260.01B.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not

deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who have a physical or mental impairment that substantially limits one or more major life activities, regardless of the nature or severity of their disabilities.

An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEIA, the special education and related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services, cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

The District will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Non-academic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and non-academic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

Notice

Notice of the Board's policy on nondiscrimination in education practices and the identity of the District's Compliance Officer(s) will be republished on the District's website and posted throughout the District, and included in the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that they have been discriminated against on the basis of 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.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents and students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, students and their parents will be notified of their right to file a

complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, including the right to participation by the student's parents or guardian and representation of counsel, and their right to examine relevant education records.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with a District Compliance Officer within specified time limits. The District's Compliance Officer is available to assist individuals in filing a complaint or request.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Internal Complaint Procedures

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when the student and/or parent believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. 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 or requesting a due process hearing.

Step 1

Investigation by the Building Compliance Officer: A student or parent may initiate an investigation by filing a written internal complaint with the Building Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must be filed as soon as possible, but not longer than thirty (30) days after disclosure of the facts giving rise to the complaint. The Building Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Building Compliance Officer shall permit the complainant to present witnesses and other evidence in support of the complaint. The investigation shall be completed within fifteen (15) days of the written complaint being filed. The Building Compliance Officer will notify the complainant in writing of the decision.

Step 2

Appeal to the District Compliance Officer: If the complaint is not resolved satisfactorily at Step 1, the student or parent may appeal the Building Compliance Officer's decision in writing to the District Compliance Officer. The appeal must be made within five (5) days following receipt of the Building Compliance Officer's decision. The District Compliance Officer will review the case, may conduct an informal hearing, and will notify all parties in writing of the decision within ten (10) days of receiving the appeal.

Step 3

If the complaint is not resolved satisfactorily at Step 2, the student or parent may request a due process hearing, provided the complaint involves an issue related to the identification, evaluation, or placement of the student.

If it is determined that the Complainant was subjected to unlawful discrimination, the Building and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if a student or parent believes that the student or parent has been subjected to discrimination based upon disability in violation of Section 504 or the 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
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012
TDD: 800-877-8339
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

Except in extraordinary circumstances, the OCR does not review the result of individual placement and other educational decisions, so long as the District complies with the "process" requirements of Subpart D of Section 504.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce 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 report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Revised 11/8/10
Revised 12/12/11
Revised 9/12/14
T.C. 8/14/17
Revised 7/13/15
Revised 4/12/21
T.C. 7/1/22
T.C. 12/8/25

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TITLE I SERVICES

2261 - **TITLE I SERVICES**

The Board of Education elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Elementary and Secondary Education Act of 1965, as amended.

The Superintendent shall prepare and present to the State Department of Education a plan for the delivery of services which meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who will be served by the plan. The District will periodically review and revise the plan, as necessary.

A. Assessment

The District shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. Such assessment shall include performance measures mandated by the Department of Education as well as those determined by the District's professional staff, that will assist in the diagnosis, teaching, and learning of the participating students.

B. Scope

Each school shall determine whether the funds will be used to upgrade the educational program of an entire school in Title I schools that qualify as schoolwide schools and/or to establish or improve programs that provide

services only for eligible students in greatest need of assistance. The schoolwide program, for an entire school and/or a Targeted Assistance School, shall include the components required by law as well as those agreed upon by participating staff and parents.

C. Participation

The Title I program shall be developed and evaluated in consultation with parents and professional staff members, including teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a District that has charter schools), administrators and other appropriate school personnel involved in its implementation. Appropriate training will be provided to staff members who provide Title I services. Parent participation shall be in accord with Board Policy 2261.01 and shall meet the requirements of Section 1116 of the Act.

D. Comparability of Services

Title I funds will be used only to augment, not to replace, State and local funds. The District will document its compliance with the supplement not supplant provisions by using a written methodology that ensures State and local funds are allocated to each school on the same basis, regardless of whether a school receives Title I funding. The Superintendent shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance. The determination of the comparability of services may exclude State and local funds expended for language instruction educational programs and the excess costs of providing services to children with disabilities as determined by the District.

The determination of comparability of services will not take into account unpredictable changes in student enrollments or personnel assignments that occur after the beginning of a school year.

In order to achieve comparability of services, the Superintendent shall assign teachers, administrators, and auxiliary personnel and provide curriculum materials and instructional supplies in such a manner as to ensure equivalence throughout the District.

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PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS

2261.01 - **PARENT AND FAMILY MEMBER PARTICIPATION IN TITLE I PROGRAMS**

In accordance with the requirements of Federal law, programs supported by Title I funds must be planned and implemented in meaningful consultation with parents and family members of the students being served.

Each year, the Superintendent shall work with parents and family members of children served in Title I Programs in order to jointly develop and agree upon a proposed written parent and family engagement policy to establish expectations for the involvement of such parents and family members in the education of their children. The proposed policy shall be reviewed and approved annually by the Board of Education and distributed to parents and family members of children receiving Title I services. The proposed policy must establish the District's expectation and objectives for meaningful parent and family involvement, and describe how the School District will:

A. involve parents and family members in the development of the School District's Title I plans and any State-mandated comprehensive support and improvement plans;

B. provide coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent involvement activities to improve student achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

C. coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other Federal, State, and local laws and programs;

D. with meaningful involvement of parents and family members, annually evaluate the content and effectiveness of the parent and family engagement policy in improving the academic quality of schools, including:

1. identifying barriers to greater parent participation (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);

2. the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

3. strategies to support successful school and family interactions;

E. use the findings of the above-referenced evaluation to:

1. design evidence-based strategies for more effective parental involvement; and

2. revise the parent and family engagement policy, if necessary;

F. involve parents in the activities of the District's Title I schools, which may include establishing a parent advisory board that may be charged with developing, revising and reviewing the parent and family engagement policy;

G. provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency and/or disabilities, and parents and family members of migratory children, including providing information and school reports in a format, and to the extent practicable in a language, such parents can understand;

H. conduct meetings with parents including provisions for flexible scheduling and assistance to parents to better assure their attendance at meetings;

I. develop agendas for parent meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;

J. provide opportunities for parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;

K. involve parents in the planning, review, and improvement of the Title I program;

L. communicate information concerning school performance profiles and their child's individual performance to parents;

M. assist parents in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework; guiding nutritional and health practices, and the like;

N. provide timely responses to parental questions, concerns, and recommendations;

O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent participation activities to improve academic achievement;

P. conduct other activities as appropriate to the Title I plan and State and Federal requirements.

The Board will reserve the requisite percent of its allocation of Federal Title I funds to carry out the above-described activities. Parents and family members of children receiving Title I services shall be involved in the decisions regarding how the reserved funds are allotted for parent involvement activities. Reserved funds shall be used to carry out activities and strategies consistent with the Board's parent and family engagement policy (Policy 2111), including at least one (1) of the following:

A. Supporting schools and nonprofit organizations in providing professional development for the District and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.

B. Supporting programs that reach parents and family members at home, in the community, and at school.

C. Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

D. Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.

E. Engaging in any other activities and strategies that the Board determines are appropriate and consistent with its parent and family engagement policy.

The Superintendent must also assure that each Title I participating school develops a specific written plan, with parental involvement and agreement, which includes provisions regarding the following:

A. Each principal must convene an annual meeting at a convenient time to which all parents of participating children are invited and encouraged to attend to explain the parents' rights to be involved and the school's obligations to develop a parent and family engagement policy.

B. Meetings with parents of children receiving Title I services must be scheduled at flexible times with assistance such as child care, transportation, home visits, or similar aid offered to parents to encourage their involvement.

C. Parents must be involved in an organized, on-going and timely way in the development, review, and improvement of parent involvement activities, including the planning, review and improvement of the school parent and family engagement policy, and the joint development of the schoolwide program plan, if appropriate.

D. Parents of participating students must be provided with:

1. timely information about the Title I program and the school's parent and family engagement policy;

2. a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels expected;

3. regular meetings, upon request, for parents to make suggestions, and to participate as appropriate, in decisions relating to the education of their children, and receive responses regarding the parents' suggestions about their student's education as soon as practicably possible.

E. If the written plan is not satisfactory to the parents of participating children, the school must submit any parents' comments when it presents the plan to the Superintendent.

F. As a component of the school-level parent and family engagement policy, the principal for each school shall coordinate the development of a school-parent

compact jointly with parents of children served under Title I which outlines how the school staff, the parents, and the students will share responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help students achieve the State's high standards. The compact must:

1. describe the school's responsibility to provide a high-quality curriculum and instruction in a supportive, effective learning environment;

2. describe the ways in which each parent is responsible for supporting their child's learning environment such as monitoring attendance, homework, extra-curricular activities, and excessive television watching; volunteering in the classroom; and participating, as appropriate, in decisions relating to the education of their children and their positive use of extra-curricular time;

3. address the importance of parent/teacher communication on an on-going basis through at least annual parent-teacher conferences to discuss the child's achievement and the compact; frequent progress reports to the parents on their child's progress; reasonable access to the staff and to observe and participate in classroom activities and regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

G. Parents of children receiving Title I services must be notified about their school's parent and family engagement policy in an understandable and uniform format, and, to the extent practicable, in a language the parents can understand. These policies must also be made available to the community.

H. School-level parent and family engagement policies must be updated periodically to meet the changing needs of parents and the schools.

In order to involve parents in the education of their children and to support a partnership among the school, parents and the community for improving student academic achievement, the Superintendent and building principals must include

provisions in the School District and school-level parent and family engagement policies regarding:

A. assisting parents of children served under Title I in understanding such topics as the State academic standards, State and local academic assessments, Title I, and how to monitor their child's progress and how to work with educators to improve their child's achievement;

B. providing materials and training to help parents work with their children to improve achievement, such as literacy training and using technology (including education about the harms of copyright privacy);

C. educating teachers, specialized instructional support personnel, school leaders (including principals), and other staff, with the assistance of parents, about the value and utility of contributions of parents, how to reach out to, communicate with, and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between parents and the school;

D. to the extent feasible and appropriate, coordination and integration of parent involvement programs and activities with other Federal, State and local programs (including public preschool programs), and conducting other activities that encourage and support parents more fully participating in the education of their children (e.g., parent resource centers);

E. providing information related to school and parent programs, meetings, and other activities to parents of participating children in a format, and, to the extent practicable, in a language the parents can understand;

F. providing such reasonable support for parent involvement activities as parents may request.

In order to build the School District's capacity for parent involvement, the Superintendent and building principals may also:

A. involve parents in the development of training for teachers and administrators and other educators to improve the effectiveness of such training;

B. provide necessary literacy training from Title I funds if the District has exhausted all other reasonably available sources of funding for such training;

C. pay reasonable and necessary expenses associated with parental involvement activities to enable parents to participate in school related meetings and training sessions, including transportation and child care costs;

D. train parents to enhance the involvement of other parents;

E. arrange school meetings at a variety of times, or conduct in-house conferences between teachers or other educators who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;

F. adopt and implement model approaches to improving parental involvement;

G. establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in Title I programs;

H. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

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TITLE I – PARENTS' RIGHT TO KNOW

2261.02 - **TITLE I – PARENTS' RIGHT TO KNOW**

In accordance with the requirement of Section 1111 of Title I, for each school receiving Title I funds, the Superintendent shall make sure that all parents of students in that school are notified that they may request, and the District will provide the following information on the student's classroom teachers:

A. Whether the teacher(s) have met the State qualification and licensing criteria for the grade level and subject areas they are teaching.

B. Whether the teacher(s) is teaching under any emergency or provisional status in which the State requirements have been waived.

C. The undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned.

D. The qualifications of any paraprofessionals providing services to their child(ren).

E. In addition, the parents **shall** be provided:

1. information on the level of achievement of their child(ren) on the required State academic assessments;

2. timely notice if the student is assigned to a teacher who is not "highly qualified" as required, or if the student is taught for more than four (4) weeks by a teacher who is not highly qualified.

The notices and information shall be provided in an understandable format, and to the extent possible, in a language the parent(s) understand.

po2261.03

DISTRICT AND SCHOOL REPORT CARD

2261.03 - **DISTRICT AND SCHOOL REPORT CARD**

Each School District that receives Title I, Part A funds must prepare and publicly disseminate a report card on the performance and operations of the District. Report cards must be concise and presented in an understandable and uniform format that is developed in consultation with parents and accessible to persons with disabilities and, to the extent practicable, in a language that parents can understand.

The report shall contain the information called for on the form issued by the Michigan Department of Education in accordance with State and Federal law. The report must include 1) an overview section and 2) a detail section.

Report cards must begin with a clearly labeled overview section that is prominently displayed. The overview section of District report cards must include information on key metrics of State, District, and school performance and progress and is intended to help parents and other stakeholders quickly access and understand such information and provide context for the complete set of data included in the report.

The overview section of the annual report card must include for the District as a whole and each school, if appropriate:

A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the District compares to State as a whole and, for each school in the District, how that school compares to the District and the State as a whole;

B. English language proficiency of English learners (i.e., the number and percentage of English learners achieving English language proficiency as measured by Michigan's English proficiency assessment);

C. performance on each measure within the Academic Progress indicator used by the State for elementary schools and secondary schools that are not high schools;

D. high school graduation rates, including the four (4) year adjusted cohort and the extended-year adjusted cohort;

E. performance on each measure within any School Quality or Student Success indicator used by the State;

F. school identifying information, including student membership count and Title I participation status;

G. summative determination for each school;

H. whether the school was identified for comprehensive support and improvement or targeted support and improvement, and the reason(s) for such identification.

The overview section must include disaggregated data for specific student subgroups as required by the United States Department of Education (e.g., each major racial and ethnic group; children with disabilities; English learners; and economically disadvantaged students).

Report cards must include student achievement data overall and by grade, including the percentage of students at each level of achievement as determined by the State for all students and disaggregated by each major racial and ethnic group, gender, disability status, migrant status, English proficiency status, status as economically disadvantaged, status as a homeless student/youth, status as a child in foster care, and status as a

student with a parent who is a member of the Armed Forces on active duty (which includes full-time National Guard duty). Data for these subgroups must be included in the detail section of report cards if it is not included in the overview section.

The details section of the District report card must include the remaining information required in the statute and applicable regulations. A District need not include information in the detail section of the report if it includes such information in the overview section. The annual report detail section must include, if appropriate:

A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the District compares to State as a whole and, for each school in the District, how that school compares to the District and the State as a whole;

B. percentages of students assessed and not assessed in each subject (i.e. participation rates on required assessments);

C. extent alternate assessments aligned with alternate academic achievements standards were used for students with the most significant cognitive disabilities (i.e., the number and percentage of students assessed using alternate academic achievement standards, by grade and subject);

D. as applicable, number and percentage of recently arrived English learners exempted from one administration of the reading/language arts assessments or whose results are excluded from certain State indicators;

E. high school graduation rates, including the four (4) year adjusted cohort, and the extended-year adjusted cohort;

F. postsecondary enrollment rates for each high school;

G. information collected and reported in compliance with the Civil Rights Data Collection (CRDC) under 20 U.S.C. 3413(c)(1);

H. progress toward State-designed long-term goals for academic achievement, graduation rates, and English learners achieving English language proficiency (including measurements of interim progress);

I. level of performance on each indicator included in State accountability system including, as applicable, results on each individual measure within each indicator not already included in the school overview section

J. information on educator qualifications;

K. information on per-pupil expenditures (i.e., actual personnel and actual non-personnel; for the District as a whole and each school);

L. State performance on the National Assessment of Educational Progress (NAEP) – math and reading, grades 4 and 8;

M. description and Results of State accountability system (the District may provide the web address or URL of, or a direct link to, a State plan or other location on the Michigan Department of Education's web site to meet this requirement);

N. additional information best-suited to convey the progress of each school;

O. other information as required by the State Department of Education.

When presenting data on a report card, the District shall protect the privacy of individuals and the privacy of personally identifiable information contained in students' education records in accordance with the Family Educational Rights and Privacy Act (FERPA) and R.C. Section 3319.321.

The District's annual report card information must be made publicly available through such means as posting on the District's web site and distribution to local media and public agencies.

The Board will provide the school level overview directly to all parents in each school served by the District annually.

The data from the local report card is to be used by each of the schools and the District as a whole in revising and upgrading school and District improvement plans.

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CHILD CARE CENTER STAFF AND VOLUNTEERS

2265 - **CHILD CARE CENTER STAFF AND VOLUNTEERS**

Background Checks

All staff members employed by the District whose job responsibilities include working with children in the District's before or after school programs, and all other persons eighteen (18) years or older who provide unsupervised care or have unsupervised access to the children in the program(s), including volunteers, must consent to and complete a comprehensive background check compliant with the requirements of the Child Care Organizations Act.

All staff members and any volunteers who have contact with children in the program(s) at least four (4) hours per week for more than two (2) consecutive weeks must have test results on file with the District indicating that they are free from communicable tuberculosis. The test results must have been verified within one (1) year before employment or volunteering.

Supervision of Volunteers

All persons who volunteer in the program(s), including the parents or guardians of a child receiving care or services, will be supervised by the District staff member(s) who are working in the program(s). District staff members will be informed of their supervisory roles

District staff members must report any issues or concerns of any nature relating to volunteers to the building principal at the first available opportunity. The building principal will promptly address all issues or concerns and determine whether any instruction, changes, corrective action or other remedies should be implemented.

All volunteers must comply with Board policies and District guidelines while acting as a volunteer and are subject to removal or prohibition from participating as a volunteer in the program(s).

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po2266

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

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

The District prohibits unlawful sex discrimination, including harassment and retaliation, in any of its education programs or activities in accordance with Title IX of the Education Amendments of 1972 and corresponding implementing regulations.

This policy addresses allegations of sexual harassment under Title IX. Allegations of other forms of sex discrimination should be addressed under the District's applicable non-discrimination or anti-harassment policies. Allegations alleging both Title IX sexual harassment and other forms of unlawful discrimination and harassment (e.g., race, age, disability) that cannot be reasonably separated into two (2) distinct complaints should be investigated under this policy, and the grievance process described in this policy will satisfy any investigation requirements in other anti-harassment or non-discrimination policies. Nothing in this paragraph limits the District's right to determine at any time during the Grievance Process that an allegation not involving Title IX sexual harassment should be addressed under other District policies.

The Board directs the Superintendent or designee to designate persons to serve as Title IX Coordinator, Investigator, Decision-Maker, and Appeals Officer. If a Formal Complaint is made under this policy against the Superintendent, the Board President will designate the persons who will serve as the Investigator, Decision-Maker, and Appeals Officer and will work with the Title IX Coordinator to ensure that all other requirements of this policy are met. If a Formal Complaint is made against the Board President, the Board Vice President will designate who will serve as the Investigator, Decision-Maker, and Appeals Officer.

The Investigator, Decision-Maker, and Appeals Officer cannot be the same person on a specific matter, and the persons designated to serve in those roles may or may not be District employees.

Inquiries about Title IX's application to a particular situation may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

A. Definitions

For purposes of this policy, the below terms are defined as follows:

1. "Sexual Harassment" means conduct on the basis of sex that satisfies one (1) or more of the following:

    a. A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct;

    b. Unwelcome conduct that a reasonable person would determine 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, dating violence, domestic violence, or stalking, as defined by the Violence Against Women Act, 34 USC 12291 et. seq., and the uniform crime reporting system of the Federal Bureau of Investigation, 20 USC 1092(f)(6)(A)(v).

        1. "Sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

        2. "Dating violence" means violence committed by a person who is or has been in a romantic or intimate relationship

with the Complainant. The existence of such a relationship is based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

3. "Domestic violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, person with whom the Complainant shares a child, person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan; or any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan.

4. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

2. "Actual Knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only District employee with actual knowledge is the Respondent.

3. "Appeals Officer" is the person designated by the District to handle appeals of a dismissal or determination of responsibility for matters investigated under this policy. The Appeals Officer may not be the same person as the Investigator, Title IX Coordinator, or Decision-Maker on a specific matter.

4. "Complainant" is a person who is alleged to be the victim of conduct that could constitute Title IX sexual harassment.

5. “Consent” means a voluntary agreement to engage in sexual activity by a person legally capable of consenting. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent. Sexual conduct or relationships between District employees, volunteers, or contractors and students, regardless of age or consent, are prohibited.

6. “Day,” unless otherwise indicated, means a day that the District’s central office is open for business.

7. “Decision-Maker” is the person designated by the District to review the investigation report and provide a written determination of responsibility that provides the evidentiary basis for the Decision-Maker’s conclusions. The Decision-Maker may not be the same person as the Investigator, Title IX Coordinator, or Appeals Officer on a specific matter.

8. “Education Program or Activity” means any location, event, or circumstance over which the District exhibits substantial control over both the Respondent and the context in which the harassment occurred.

9. “Formal Complaint” means a written document or electronic submission signed and filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the sexual harassment allegation.

10. “Grievance Process” is the process by which the District handles Formal Complaints.

11. “Investigator” is the person designated by the District to investigate a Title IX Formal Complaint or report. The Investigator cannot be the same person as the Decision-Maker or Appeals Officer on a specific matter. The Title IX Coordinator may serve as the Investigator on a particular

investigation, unless the Title IX Coordinator signed the Formal Complaint.

12. "Report" means an account of Title IX sexual harassment made by any person (regardless of whether the reporting party is the alleged victim).

13. "Respondent" is a person who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

14. "Supportive Measures" are non-disciplinary, non-punitive, individualized services offered and implemented by the Title IX Coordinator as appropriate, as reasonably available, and at no-cost to the Complainant and the Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. Supportive measures 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.

15. "Title IX Coordinator" is the person(s) designated by the District to coordinate the District's Title IX compliance. The Title IX Coordinator may not be the same person as the Appeals Officer or Decision-Maker on a specific matter. A person not serving as a Title IX Coordinator in a particular investigation is not disqualified from serving in another role in that investigation. The Title IX Coordinator may also serve as the Investigator on a particular investigation, unless the Title IX Coordinator signed the Formal Complaint.

B. Posting Requirement

The Title IX Coordinator's contact information (name or title, office address, electronic mail address, and telephone number), along with the District's Title IX nondiscrimination statement must be prominently posted on the District's website and in any catalogs or handbooks provided to applicants for employment, students, parents/guardians, and unions or professional organizations with a collective bargaining or professional agreement with the District.

The District will provide notice of this policy to all applicants, students,

parents/guardians, employees, and unions or professional organizations with a collective bargaining or professional agreement with the District by prominently posting this policy on its website and referencing this policy in its handbooks, which will include the Title IX Coordinator's name or title, office address, electronic mail address, and telephone number.

C. Designation of Title IX Coordinator(s)

The District designates the following person(s) as the Title IX Coordinator(s):

Director of Human Resources
6655 Consear Rd.
Ottawa Lake, Ml 49267
734-856-1443

D. Reporting Title IX Sexual Harassment:

Any person who witnesses an act of sexual harassment is encouraged to report it to a District employee. No person will be retaliated against based on any report of suspected sexual harassment or retaliation.

A person may also anonymously report an incident of sexual harassment or retaliation. The District will investigate anonymous reports pursuant to its investigation procedures described below.

A person who has been the subject of sexual harassment or retaliation may report that behavior to the Title IX Coordinator or any District employee. Any District employee who receives a report of sexual harassment or has actual knowledge of sexual harassment must convey that information to the Title IX Coordinator by the end of the next day.

A person may make a report at any time, including non-business hours. Reports may be filed in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that result in the Title IX Coordinator receiving the person's verbal or written report.

E. General Response to Sexual Harassment

1. Actual Knowledge Without Formal Complaint Being Filed

   Upon actual knowledge of Title IX sexual harassment, the Title IX Coordinator must respond promptly in a manner that is not deliberately indifferent. The District will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

   The Title IX Coordinator must promptly 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.

   If the Complainant does not file a Formal Complaint or if another person informs the Title IX Coordinator of an allegation of sexual harassment, the Title IX Coordinator must evaluate the information and determine whether to sign and submit a Formal Complaint. If the Title IX Coordinator determines not to sign and submit a Formal Complaint, the Title IX Coordinator must address the allegations in a manner that is not deliberately indifferent.

2. Formal Complaint Filed

   Upon the receipt of a Formal Complaint, the District must follow the Grievance Process in Section F of this policy. A Formal Complaint may be submitted using the Title IX Sexual Harassment Formal Complaint Form.

3. Equitable Treatment

   The District will treat the Complainant and Respondent equitably throughout the Grievance Process. This may include offering supportive measures as described in Subsection E(5) of this policy.

4. Documentation and Recordkeeping

   The Title IX Coordinator will document all sexual harassment reports, as well as any incidents of sexual harassment that the Title IX Coordinator

personally observes.

The District will retain this documentation in accordance with applicable record retention requirements as stated below in this policy.

5. Supportive Measures

The Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, with or without the filing of a Formal Complaint. If the District does not provide a Complainant with supportive measures, then the Title IX Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or taking or describing additional supportive measures.

The District may provide, as appropriate, non-disciplinary, non-punitive individualized services to the Complainant or Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed.

Supportive measures should be designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party.

Supportive measures are offered without charge to all parties and are designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to:

a. District-provided counseling;

b. Course-related adjustments, such as deadline extensions;

c. Modifications to class or work schedules;

d. Provision of an escort to ensure that the Complainant and Respondent can safely attend classes and school activities; and

e. No-contact orders.

All supportive measures must be kept confidential, to the extent that maintaining such confidentiality would not impair the District's ability to provide the supportive measures.

6. Respondent Removal

a. Emergency Removal (Student)

The District may only remove a student Respondent from a District program or activity if, following an individualized safety and risk analysis, the District determines that there is an immediate threat to the physical health or safety of any student or other person arising from the sexual harassment allegations. The District must provide the Respondent with notice and an opportunity to immediately challenge the removal decision. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

b. Administrative Leave (Employee)

The District may place an employee Respondent on administrative leave during the pendency of the Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

7. Law Enforcement

In appropriate circumstances, the Title IX Coordinator will notify law enforcement or Child Protective Services.

The District will attempt to comply with all law enforcement requests for cooperation with related law enforcement activity. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend or delay its investigation. If an investigation is delayed, the District will follow the procedures described in Subsection F(1) of this policy to notify the parties, in writing, of the delay.

The District will promptly resume its investigation as soon as it is notified by the law enforcement agency that the law enforcement agency has completed its evidence gathering process. This delay should not exceed ten (10) days.

If the District's investigation is suspended or delayed, supportive measures will continue during the suspension or delay. If the law enforcement agency does not notify the District within ten (10) days that the District's investigation may resume, the District will notify the law enforcement agency that the District intends to promptly resume its investigation.

F. Grievance Process

1. Generally

The Grievance Process begins when a Formal Complaint is filed or when the Title IX Coordinator signs a Formal Complaint. The District will endeavor to complete the Grievance Process within forty-five (45) to sixty (60) days, absent extenuating circumstances or delays as described below. The District will treat both the Complainant and the Respondent equitably throughout the Grievance Process.

Neither the Title IX Coordinator, the Decision-Maker, the Investigator, nor any person designated to facilitate an informal resolution process will have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent.

The Grievance Process requires an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

Throughout the Grievance Process, there is a presumption that the Respondent is not responsible for the alleged conduct unless, in the

determination of responsibility at the conclusion of the Grievance Process, the Decision-Maker finds the Respondent responsible for the alleged conduct.

At any point during the process, the Title IX Coordinator, Investigator, or Decision-Maker may temporarily delay the Grievance Process or permit a limited extension of time frames for good cause. Good cause may include absence of a party, party's advisor, or witness; concurrent law enforcement activity; or the need for accommodations (e.g., language assistance or accommodation of disabilities). If there is a delay or extension, the parties will receive written notice of the delay or extension and the reasons for the action.

Any disciplinary action resulting from the Grievance Process will be issued in accordance with applicable policies, codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

After the investigation portion of the Grievance Process has concluded, the Decision-Maker will endeavor to issue determinations of responsibility within ten (10) days, absent extenuating circumstances.

2. Notice of Allegations

Upon receipt of a Formal Complaint, the District must provide written notice to the parties who are known at the time that includes:

a. A copy of this policy, which includes the District's Grievance Process, and any informal resolution process;

b. The sexual harassment allegations, including sufficient details known at the time and with sufficient time so that parties may prepare a response before the initial interview. Sufficient details include parties involved in the incident, if known, the alleged conduct constituting sexual harassment, and the date and time of the alleged incident;

c. A statement that the Respondent is presumed not responsible for the alleged conduct;

d. A statement that a determination of responsibility is made at the Grievance Process's conclusion;

e. A statement that the parties may have an advisor of their choice, who may be an attorney, although any attorney or advisor who is not a District employee will be at the party's own cost;

f. A statement that the parties will be provided an opportunity to inspect and review any evidence before the investigation report is finalized; and

g. If the Complainant or Respondent is a student, and the District's Student Code of Conduct addresses false statements by students during the disciplinary process, a citation to that portion of the Code of Conduct. If the Code of Conduct does not address false statements by students, the notice is not required to include any reference.

If, during the course of an investigation, the Investigator decides to investigate allegations that are not included in this notice, the District will provide notice of the additional allegations to the Complainant and Respondent.

3. Investigation

The District has the burden of proof and the burden to gather evidence sufficient to reach a determination of responsibility.

The District will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege in writing.

The District may not access, consider, disclose, or otherwise use a party's medical records, including mental health records, which are made and maintained by a healthcare provider in connection with the party's treatment

unless the District obtains that party's voluntary, written consent to do so for the Grievance Process.

The Investigator must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence. The Investigator cannot restrict parties from discussing the allegations under investigation, nor can the Investigator restrict parties from gathering or presenting relevant evidence.

Parties may be accompanied by an advisor of their choice, including an attorney, in any meeting or Grievance Process proceeding. If a party chooses an advisor who is not a District employee, it will be at that party's own cost. The Superintendent or designee may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties (e.g., abusive, disruptive behavior or language will not be tolerated; advisor will not interrupt the investigator to ask questions of witnesses).

The Investigator must provide the date, time, location, participants, and purpose of all hearings (if any), investigative interviews, and meetings, to a party whose participation is invited or expected. Written notice must be provided a sufficient time in advance so that a party may prepare to participate.

As described in Section N of this policy, retaliation against a person for making a complaint or participating in an investigation is prohibited.

The Investigator must ensure that the Complainant and Respondent have an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party has the opportunity to meaningfully respond to the evidence before the investigation's conclusion. This evidence includes (1) evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and (2) inculpatory or exculpatory evidence obtained from any source.

Before the investigation's completion, the Investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) calendar days to submit a written response to the Investigator. The party's response must be considered by the Investigator before completing the final investigation report.

4. Investigation Report

The Investigator must create an investigation report that fairly summarizes relevant evidence and submit the investigation report to the decision-maker.

At least ten (10) calendar days before a determination of responsibility is issued, the Investigator must send the investigation report to each party for review and written response. Written responses to the investigation report must be submitted directly to the Decision-Maker.

5. Determination of Responsibility

The Decision-Maker cannot be the same person as the Title IX Coordinator, Investigator, or Appeals Officer.

Before the Decision-Maker reaches a determination of responsibility, and after the Investigator has sent the investigation report to the parties, the Decision-Maker must:

a. Afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness; and

b. Provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct, or the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If the Decision-Maker decides to exclude questions from either party as not relevant, the Decision-Maker must explain the decision to the party proposing the questions.

The Decision-Maker must issue a written determination of responsibility based on a preponderance of the evidence standard (i.e., more likely than not) simultaneously to both parties. The written determination of responsibility must include:

a. Identification of the sexual harassment allegations;

b. Description of the procedural steps taken from the receipt of the Formal Complaint through the determination of responsibility, including any:

    1. Notification to the parties;

    2. Party and witness interviews;

    3. Site visits;

    4. Methods used to collect evidence; and

    5. Hearings held.

c. Factual findings that support the determination;

d. Conclusions about the application of any relevant code of conduct, policy, law, or rule to the facts;

e. A statement of, and rationale for, the result as to each allegation, including:

    1. A determination of responsibility;

2. Any disciplinary action taken against the Respondent (consistent with applicable policies, codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts); and

3. Whether remedies designed to restore and preserve equal access to the District's education program or activity will be provided to the Complainant.

f. Appeal rights

See Section G of this policy for appeal rights and procedures.

The determination of responsibility is final upon the date the parties receive the Appeals Officer's written decision or on the date on which an appeal is no longer timely.

G. Appeals

Notice of the determination of responsibility or the decision to dismiss a formal complaint in whole or in part for the following reasons only:

1. A procedural irregularity that affected the outcome.

2. New evidence that was not reasonably available at the time the determination of responsibility or dismissal decision was made that could affect the outcome.

3. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.

An appeal must be filed with the Decision-Maker or Title IX Coordinator within five (5) days of the date of the determination of responsibility or dismissal decision.

Upon receipt of an appeal, the Appeals Officer will provide both parties written notice of the appeal and an equal opportunity to submit a written statement in support of, or challenging, the determination or dismissal decision.

The Appeals Officer must provide a written decision describing the result of the appeal and the rationale for the result to both parties simultaneously. Appeals based on procedural irregularity, conflict of interest, or bias must be decided within ten (10) days. Appeals based on new evidence must be decided within thirty (30) days.

The Appeals Officer cannot be the same person who acts as the Title IX Coordinator, Investigator, or Decision-Maker on the same matter. The Appeals Officer also cannot have a conflict of interest or bias against Complainants and Respondents generally or individually.

H. Informal Resolution

During the Grievance Process, *after* a Formal Complaint has been filed but *before* a determination of responsibility has been made, the District may offer to facilitate an informal resolution process. A Formal Complaint must be filed to initiate the informal resolution process.

Informal resolution does not require a full investigation and may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation, or restorative justice.

Informal resolution is not available for a Formal Complaint alleging that an employee sexually harassed a student.

A party is not required to participate in an informal resolution process.

When offering informal resolution, the Title IX Coordinator or Investigator must (1) provide both parties written notice of their rights in an informal resolution and (2) obtain written, voluntary consent from both parties to enter into the

informal resolution process. The written notice must contain the:

1. Allegations;

2. Informal resolution requirements, including the circumstances under which the informal resolution precludes the parties from resuming a Formal Complaint arising from the same allegations;

3. Right to withdraw from informal resolution and resume the Grievance Process at any time prior to agreeing to a resolution; and

4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

I. Dismissal

1. Mandatory Dismissals

The Title IX Coordinator *must* dismiss a Formal Complaint if:

a. The Formal Complaint's allegations, even if proven, would not constitute sexual harassment as defined in this policy;

b. The Formal Complaint's allegations did not occur in the District's programs or activities; or

c. The Formal Complaint's allegations did not occur in the United States.

2. Discretionary Dismissals

The Title IX Coordinator or Investigator *may* dismiss a Formal Complaint if:

a. The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint in

whole or in part;

b. The Respondent's enrollment or employment ends; or

c. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination (e.g., several years have passed between alleged misconduct and Formal Complaint filing, Complainant refuses or ceases to cooperate with Grievance Process).

The Title IX Coordinator or Investigator will promptly and simultaneously notify both parties when a Formal Complaint is dismissed. The notice must include the reasons for mandatory or discretionary dismissal and the right to appeal. Appeal rights are discussed above in Section G of this policy.

Dismissal of a Formal Complaint under this policy does not excuse or preclude the District from investigating alleged violations of other policy, rule, or law, or from issuing appropriate discipline based on the results of the investigation.

J. Consolidation of Complaints

The Title IX Coordinator or Investigator may consolidate Formal Complaints where the allegations arise out of the same facts or circumstances. Where a Grievance Process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

K. Remedies

The District will take appropriate and effective measures to promptly remedy the effects of sexual harassment. The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appropriate remedies will be based on the circumstances and may include, but

are not limited to:

1. Providing an escort to ensure that the Complainant and Respondent can safely attend classes and school activities;

2. Offering the parties school-based counseling services, as necessary;

3. Providing the parties with academic support services, such as tutoring, as necessary;

4. Rearranging course or work schedules, to the extent practicable, to minimize contact between the Complainant and Respondent;

5. Moving the Complainant's or the Respondent's locker or work space;

6. Issuing a "no contact" directive between the Complainant and Respondent;

7. Providing counseling memoranda with directives or recommendations;

8. Imposing discipline consistent with applicable policies, codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts.

   These remedies may also be available to any other student or person who is or was affected by sexual harassment.

   After a determination of responsibility, the Title IX Coordinator should consider whether broader remedies are required, which may include, but are not limited to:

   a. Assemblies reminding students and staff of their obligations under this policy and applicable handbooks;

b. Additional staff training;

c. A climate survey; or

d. Letters to students, staff, and parents/guardians reminding them of their obligations under this policy and applicable handbooks.

If the Complainant or Respondent is a student with a disability, the District will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the Complainant or Respondent continues to receive a free appropriate public education. Any disciplinary action taken against a Respondent who is a student with a disability must be made in accordance with the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

L. False Statements

Any person who knowingly makes a materially false statement in bad faith in a Title IX investigation will be subject to discipline, up to and including discharge or permanent expulsion. A dismissal or determination that the Respondent did not violate this policy is not sufficient, on its own, to conclude that a person made a materially false statement in bad faith.

M. Confidentiality

The District will keep confidential the identity of a person who reports sexual harassment or files a Formal Complaint, including parties and witnesses, except as permitted or required by law or to carry out any provision of this policy, applicable regulations, or laws.

N. Retaliation

Retaliation (e.g., intimidation, threats, coercion) for the purpose of interfering with a person's rights under Title IX is prohibited. This prohibition applies to

retaliation against any person who makes a report, files a Formal Complaint, or participates in, or refuses to participate in a Title IX proceeding. Complaints alleging retaliation may be pursued in accordance with the District's anti-discrimination and anti-harassment policies.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Section.

When processing a report or Formal Complaint of sexual harassment, pursuing discipline for other conduct arising out of the same facts or circumstances constitutes retaliation if done for the purpose of interfering with that person's rights under Title IX.

Any person who engages in retaliation will be disciplined in accordance with the applicable policies, codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

O. Training

All District employees and Board members must be trained on how to identify and report sexual harassment.

Any person designated as a Title IX Coordinator, Investigator, Decision-Maker, Appeals Officer, or any person who facilitates an informal resolution process must be trained on the following:

1. The definition of sexual harassment;

2. The scope of the District's education programs or activities;

3. How to conduct an investigation and the District's grievance process, including, as applicable, hearings, appeals, and informal resolution processes; and

4. How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Investigators must receive training on how to prepare an investigation report as outlined in Subsection F(4) above, including, but not limited to, issues of relevance.

Decision-Makers and Appeals Officers must receive training on issues of evidence and questioning, including when questions about a Complainant's prior sexual history or disposition are not relevant.

Any materials used to train District employees who act as Title IX Coordinators, Investigators, Decision-Makers, or who facilitate an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints. These training materials will also be posted on the District's website.

P. Record Keeping

Records related to reports of alleged Title IX sexual harassment will be maintained by the District for a minimum of seven (7) years. This retention requirement applies to investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, such as supportive measures.

The District will also retain any materials used to train Title IX Coordinators, Investigators, Decision-Makers, Appeals Officers, and any person designated to facilitate an informal resolution process.

Q. Office for Civil Rights

Any person who believes that s/he was the victim of sexual harassment may file a complaint with the Office for Civil Rights (OCR) at any time:

U.S. Department of Education Office for Civil Rights
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
Phone: (216) 522-4970
E-mail: OCR.Cleveland@ed.gov

An OCR complaint may be filed before, during, or after filing a Formal Complaint with the District. A person may forego filing a Formal Complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to sexual harassment also file a Formal Complaint with the District to ensure that the District is able to take steps to prevent any further harassment and to discipline the alleged perpetrator, if necessary. OCR does not serve as an appellate body for District decisions under this policy. An investigation by OCR will occur separately from any District investigation.

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po2270

RELIGION IN THE CURRICULUM

2270 - **RELIGION IN THE CURRICULUM**

Based on the First Amendment protection against the establishment of religion in the schools, no Board employee will promote religion in the classroom or in the District's curriculum, or compel or pressure any student to participate in devotional exercises. Displays of a religious character must conform with Policy 8800 and AG 8800A, AG 8800B, AG 8800C, AG 8800D. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include, as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District's schools frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use by the District. The Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the District's students, not for its conformity to religious principles. Students should receive unbiased instruction in the schools, so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets.

Accordingly, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion. However, if after careful, personal review of the program's lessons and/or materials, a parent indicates to the school that either the content or activities conflict with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from a particular class period and/or particular class periods for specified reasons. The student will be provided with alternate learning activities during the times of such parent requested absence.

No classroom teacher shall be prohibited from providing reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No student shall be required to participate in such activities if they are contrary to the religious convictions of the student or his/her parents or guardians.

The Board acknowledges that it may not adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student's religious beliefs. However, such exercise or expression may be limited to lunch periods or other noninstructional time periods when students are free to associate.

See References:

Policy 8800

AG 8800A

AG 8800B

AG 8800C

AG 8800D

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po2271

POSTSECONDARY (DUAL) ENROLLMENT OPTION PROGRAM

2271 - **POSTSECONDARY (DUAL) ENROLLMENT OPTION PROGRAM**

The Board of Education recognizes the value to students and to the District for students to participate in courses offered by accredited and degree-granting colleges and universities. Eligible postsecondary institutions shall include state universities, community colleges, and independent nonprofit degree-granting colleges or universities located in Michigan and that choose to comply with the Postsecondary Enrollment Options Act and out-of-state colleges satisfying the requirements of M.C.L. 388.513 that choose to comply with the Postsecondary Enrollment Options Act.

The Board will allow eligible high school students who meet the criteria established in the Superintendent's guidelines to enroll in eligible postsecondary courses while in attendance in the District. The Superintendent shall allow a student, upon written request of his/her parent to take approved readiness assessment(s) in order to establish eligibility for postsecondary enrollment. Any tests are to be administered free of charge in accordance with the District's testing schedule. Students will be eligible to receive appropriate credit for completing any of these courses providing they meet all requirements for the type of credit they wish to earn.

The Superintendent shall establish the necessary administrative guidelines to ensure that such courses are in accord with State law and are properly communicated to both the students and their parents. The Superintendent shall also establish guidelines and procedures for the awarding of credit and the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

Upon receipt of a bill from the postsecondary institution itemizing the charges for a student's participation in a particular course, the District shall either pay the bill or the

prorated percentage of the State portion of the foundation allowance for that student, whichever is lower. If charges exceed such payment, the student and his/her parents are responsible for the remaining charges.

If a student participating in the postsecondary (dual) enrollment program fails to successfully complete an eligible course, the student and his/her parents are responsible for reimbursing the District for such charges incurred by the District for such enrollment. In the event reimbursement is not made in a reasonable period of time, the Superintendent is authorized to file a claim against the student and/or his/her parents in Small Claims Court for collection.

The Superintendent is to submit annually to the Intermediate School District the following information:

A. the amount of money paid to postsecondary institutions for this program

B. the number of students in the high school and the number who participated in at least one (1) postsecondary program and received payment for all or part of the eligible charges under this program both in the aggregate and by grade level

C. the percentage of the District's enrollment represented by eligible students both in the aggregate and by grade level

D. the total number of postsecondary courses for which the District made payment, the number of courses for which postsecondary credit was granted, the number of courses for which high school credit was granted, and the number of courses that were not completed by eligible students

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po2330

HOMEWORK

2330 - **HOMEWORK**

The Board of Education acknowledges the educational validity of out-of-school assignments as adjuncts to and extensions of the instructional program of the schools.

"Homework" shall refer to those assignments to be prepared outside of the school by the student or independently while in attendance at school.

The Superintendent shall develop administrative guidelines for the assignment of homework according to these guidelines:

A. Homework should be a properly planned part of the curriculum to extend and reinforce the learning experience of the school.

B. Homework should help students learn by providing practice in the mastery of skills, experience in data gathering, and integration of knowledge, and an opportunity to remediate learning problems.

C. Homework should help develop the student's sense of responsibility by providing an opportunity for the exercise of independent work and judgment.

D. The number, frequency, and degree of difficulty of homework assignments should be based on the ability and needs of the student and take into account

other activities which make a legitimate claim on the student's time.

E. As a valid educational tool, homework should be assigned with clear direction and its product carefully evaluated.

F. The schools should recognize the role of parents by suggesting ways in which parents can assist the school in helping a student carry out assigned responsibilities.

po2340

FIELD AND OTHER DISTRICT-SPONSORED TRIPS

2340 - FIELD AND OTHER DISTRICT-SPONSORED TRIPS

The Board of Education recognizes the value of organized trips or other excursions away from the classroom as a valuable part of the District's educational programming and a valuable opportunity to obtain additional educational experiences not offered directly in the curriculum offerings. These opportunities occur in four (4) primary forms addressed in this policy: (a) field trips; (b) extra-curricular/co-curricular program-related trips; (c) overnight trips; and (d) other District-sponsored trips.

Field Trips

For purposes of this policy, a field trip shall be defined as any planned journey by one (1) or more students away from District premises, which is under the supervision of a professional staff member, approved by the Superintendent and furthers or supplements an integral part of a course of study as planned for and incorporated into that course of study by the teacher.

Properly planned and executed field trips should cultivate new interests among students, help students relate school experience to the reality of the world outside of school, bring the resources of the community within the student’s learning experience, and afford students the opportunity to study real things and processes in their actual environment.

Out-of-state field trips that do not include an overnight stay must be approved by the Administration.

Extra-Curricular/Co-Curricular Trips

The Board recognizes that student trips will occur for reasons that are not directly incorporated into the curriculum as part of a class, but rather are part of the extra-curricular/co-curricular activities offered by the District. For example, a District athletic team may travel to away games or take a trip to an out-of-town tournament. Any such trips must be identified at the beginning of the activity for the school year or for the particular season. Extra-curricular or co-curricular trips shall be approved by the Administration in accordance with the same procedures used for approving field trips. In cases where such advance notice is not possible (such as travel to State tournament competition), the staff member responsible for such activity shall notify the Athletic Director of the activity and pertinent information.

Extra-curricular trips that extend to an overnight stay are considered overnight travel, other than MHSAA athletic teams participating in State tournaments/meets.

Overnight Travel

Overnight travel is defined as a field trip that involves one (1) or more overnight stays. The District views overnight travel outside of the District related to the curriculum/program as an adjunct to that curriculum/program. As such, it is an important feature of the overall educational program. The District recognizes the importance of overnight travel outside of the District to amplify and enhance studies that occur in the schools' classrooms through unique enrichment opportunities that are not available locally. Overnight travel shall first be approved by the Superintendent in accordance with the District's overnight travel guidelines and then must be submitted to the Board for final approval.

International field trips present special considerations that need to be taken into account when planning these activities. The Board must approve these trips to be considered District-sponsored trips. The Board will only approve international field trips that are affiliated with a sponsoring or commercial organization that specializes in

international travel and that is responsible for establishing the cost of such programs and for collecting payment directly from participating students or their parents.

Approval of international travel shall also take into account travel warnings for Americans to avoid travel to specified countries. These warnings are issued by the United States Department of State based on current conditions around the world and are updated as deemed necessary.

Other District-Sponsored Trips

Other District-sponsored trips shall be defined as any planned, student-travel activity which is approved as part of the District's total educational program, but not a part of a particular course and not expressly connected to an established extra-curricular/co-curricular activity. These trips may include such trips as summer trip programs, youth service trips, and other types of day trips that are organized by or through school staff or facilitated in some fashion through the District.

Trip Approval Process

No staff member may offer or lead any trip as a District-sponsored trip unless the trip has been approved in the manner prescribed in this policy.

Proposals shall include the details of the trip, the cost of the trip, identify any third-party entities that will be involved in the trip, identify the curriculum-based purpose of the trip, identify what students will be eligible to participate, and any other pertinent information. If overnight, the proposal must describe how accommodations will be provided and how such arrangements will be properly supervised.

The Superintendent shall approve all other such trips.

Students may be charged fees for District-sponsored trips, but no student shall be denied participation for financial inability, nor shall nonparticipation be penalized academically.

Students on all District-sponsored trips remain under the supervision of this Board and are subject to the District's administrative guidelines.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board or Superintendent. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the District's Administrative Guidelines for Extended Trips.

The Superintendent shall prepare administrative guidelines for the operation of both field and other District-sponsored trips, including athletic trips, which shall ensure:

A. the safety and well-being of students;

B. parental permission is sought and obtained before any student leaves the District on a trip;

C. each trip is properly planned, and if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;

D. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;

E. each trip is properly monitored;

F. student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;

G. the staff member in charge shall have access to each student's Emergency Medical Authorization Form;

H. provisions have been made for the administration of medication to those students for whom medications are administered routinely while at school;

I. provisions have been made at the trip destination and in transportation, if and when required to accommodate students and/or chaperones with disabilities;

J. provisions for the selection of lodging (for overnight trips) that provides a safe and secure environment.

A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in the staff member's charge is imperiled.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

Trips Not Sponsored by the District

No staff member, volunteer, coach, or other individual acting in some capacity for the District may solicit students of this District to participate in any trip not sponsored by the District unless that staff individual has received approval of the Superintendent to promote such trips within the facilities or on the school grounds. This includes summer trips abroad or other trips offered through a third-party organizer in which a staff member, volunteer, coach, or other individual acting in some capacity for the District is participating, as well as athletic activities outside the District's athletic program.

If approval is granted to solicit students to participate, that individual must clearly communicate to parents that the trip is not District-sponsored and that that individual is not participating within the staff individual's role representing the District. Coordination and/or participation in such a program shall be consistent with Policy 3210 - Staff Ethics/Policy 4210 - Support Staff Ethics.

Transportation for Field and Other District Sponsored Trips

Regular or special-purpose school vehicles will be used for transportation on field and other District-sponsored trips.

The transportation for all field and other District-sponsored trips is to be by vehicles owned or approved by the District and driven by approved drivers. Exceptions must have the approval of the Superintendent.

For all other trips, including co-curricular, athletic, and other extra-curricular trips, the District will assume the transportation costs.

A. by the sponsoring organization.

B. from the designated fund.

Transportation may be limited by the availability of vehicles, drivers, and scheduling, and will not be available when needed for general school purposes.

All field trips shall be supervised by members of the staff. All other District-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are in the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle as well to supervise students upon return to the District and while they are waiting for rides home.

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.
District students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle.

No student is allowed to drive on any trip. An exception may be made by the Principal on an individual basis provided the student has written parental permission and does not transport any other student.
The Superintendent shall prepare administrative guidelines to ensure that all transportation is in compliance with Board policy on the use of District vehicles and/or private vehicles.

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po2370

EDUCATIONAL OPTIONS

2370 - **EDUCATIONAL OPTIONS**

The Board of Education recognizes the need to provide alternative means by which students achieve the goals of the District.

An optional plan to meet the recognized educational needs of a student shall be approved by the Superintendent. The Superintendent shall prepare a plan of educational options for use in meeting special needs.

Such options may include, but not be limited to, tutorial programs, independent study, correspondence courses, educational travel, mentorship programs, summer school, early college entrance, internet, digital broadcasting, or satellite course work offered by the school or any regionally accredited college or Michigan Virtual High School.

Credit may be granted to the student upon complete evaluation of the program.

The credit shall be placed on the student's transcript. The amount of credit counting toward graduation shall comply with the District graduation requirements.

The Superintendent shall establish administrative guidelines whereby each educational option is properly analyzed, planned, and implemented and complies with all applicable requirements of the State.

po2370.01

ON-LINE/BLENDED LEARNING PROGRAM

2370.01 - **ON-LINE/BLENDED LEARNING PROGRAM**

The District shall provide eligible students the option of participating in on-line or blended learning courses. The purpose of the program is to make instruction available to eligible students using on-line and distance education technology in both traditional and nontraditional classroom settings. The District must make all eligible students and their parents or guardians aware of this program.

A. **Definitions**

1. **On-Line Learning** - Means a course of study that is capable of generating a credit or a grade, that is provided in an interactive internet-connected learning environment, in which students and their teachers are separated by time or location, or both, and in which the teacher is responsible for determining appropriate instructional methods for each student, diagnosing learning needs, assessing student learning, prescribing intervention strategies, reporting outcomes, and evaluating the effects of instruction and support strategies.

2. **Blended Learning** - A hybrid instructional delivery model where students are provided content, instruction, and assessment in part at the classroom, with a teacher, and in part through internet-connected learning environments with some degree of student control over time, location, and pace of instruction.

B. **Program Eligibility**

The District shall offer a program for students in Grades 6-12.

The District may offer a full time or part time program for grade 9-12 students enrolled in dropout prevention, academic intervention, core courses to meet graduation requirements, or dual enrollment programs.

C. **Course Availability and Access**

1. The District shall provide access to enroll and participate in the available courses and shall award credit, as may be appropriate, for successful completion. Access shall be available to eligible students during or after the school day and during summer school enrollment. The District will provide at least one of the following:

    a. On-line Learning, pursuant to the requirements set forth in Pupil Accounting Manual 5-O-D.

    b. Independent Study, pursuant to the requirements set forth in Pupil Accounting Manual 5-O-A.

    c. Independent Study, pursuant to the requirements set forth in Pupil Accounting Manual 5-O-A.

2. The District shall enroll an eligible student in up to two (2) on-line courses as requested by the student during an academic term, semester, or trimester. Consent from the student's parent or legal guardian must be obtained for students under the age of eighteen (18), except that

permission shall not be required if the course is being provided as permitted by M.C.L. 388.1621f(14), which allows a district to provide online instruction for not more than fifteen (15) days per school year under specific circumstances.

3. A student may enroll in more than two (2) virtual courses in a specific academic term, semester, or trimester if both of the following conditions are met:

    a. The District has determined that it is in the best interest of the student.

    b. The student agrees with the recommendation of the District.

4. The District will provide two (2) or fewer courses per semester in Grades K-5 and one (1) or more courses per semester in Grades 6-12. If students are taking more than two (2) courses per semester, the guidance found in the Pupil Accounting Manual 5-0-B shall be followed and seat time waivers obtained.

5. An eligible student may enroll in an on-line course published in the District on-line course syllabus, as described in section 8 below, or the statewide catalog of on-line courses maintained by the Michigan Virtual University.

6. The District may deny a student enrollment in an on-line course if any of the following apply, as determined by the District:

    a. The student is enrolled in any of grades K to five (5).

b. The student has previously gained the credits provided from the completion of the on-line course.

c. The on-line course is not capable of generating academic credit.

d. The on-line course is inconsistent with the remaining graduation requirements or career interests of the student.

e. The student has not completed the prerequisite coursework for the requested virtual course or has not demonstrated proficiency in the prerequisite course content.

f. The on-line course is of insufficient quality or rigor. If the District denies a student enrollment for this reason, the District shall make a reasonable effort to assist the student in finding an alternative course in the same or a similar subject that is of acceptable rigor and quality.

g. The cost of the virtual course causes the District to exceed the target foundation allowance percentage.

h. The request for a virtual course enrollment was not made in the academic term, semester, trimester, or summer preceding the enrollment. This subsection does not apply to a request made by a student who is newly enrolled in the District.

i. If a student is denied enrollment in an on-line course by the District, the student may appeal the denial by submitting a letter to the Superintendent. The appeal must include the reason provided

by the District for not enrolling the student and the reason why the student is claiming that the enrollment should be approved.

The Superintendent shall respond to the appeal within five (5) days after it is received. If the Superintendent determines that the denial of enrollment does not meet one (1) or more of the reasons specified in this subsection, the District shall allow the student to enroll in the on-line course.

7. An on-line learning student shall have the same rights and access to technology in his or her District's school facilities as all other students enrolled in that District.

8. If a student successfully completes an on-line course, as determined by the District, the District shall grant appropriate academic credit for completion of the course and shall count that credit toward completion of graduation and subject area requirements. A student's school record and transcript shall identify the on-line course title as it appears in the on-line course syllabus.

9. The enrollment of a student in one (1) or more on-line courses shall not result in a student being counted as more than 1.0 full-time equivalent student under this act.

D. **Applicants**

1. If the number of nonresident applicants eligible for acceptance in an on-line course does not exceed the capacity of the District to provide the on-line course, the District shall accept for enrollment all of the nonresident applicants eligible for acceptance.

2. If the number of nonresident applicants exceeds the District's capacity to provide the on-line course, the District shall use a random draw system.

3. The District shall determine whether or not it has the capacity to accept applications for enrollment from nonresident applicants in online courses and may use that limit as the reason for refusal to enroll an applicant.

E. **Requirements Specific to On-Line Learning Courses**

To offer an on-line course, the District must:

1. Provide the Michigan Virtual University with the course syllabus in a form and method prescribed by the Michigan Virtual University for inclusion in a State-wide online course catalog.

2. Provide on its publicly accessible website a link to the course syllabi for all of the online courses offered by the District and a link to the State-wide catalog of online courses maintained by the Michigan Virtual University.

3. Assign to each student a teacher of record.

4. Offer the on-line course on an open entry and exit method, or aligned to a semester, trimester, or accelerated academic term format.

F. **On-line Course Syllabus**

The District must publish an on-line course syllabus for each on-line course offered. The on-line course syllabus must include:

1. An alignment document showing how the course meets applicable State academic standards.

2. On-line course content outline.

3. On-line course required assessments.

4. On-line course prerequisites.

5. Expectations for actual teacher contact time with the on-line learning student and other student-to-teacher communications.

6. Academic support available to the on-line learning student.

7. On-line course learning outcomes and objectives.

8. Name of the institution or organization providing the online content.

9. Name of the institution or organization providing the teacher of record.

10. The course titles assigned by the provider and the course titles and course codes from the National Center for Education Statistics school codes for the exchange of data.

11. Number of eligible nonresident students that will be accepted by the District in the on-line course. This may include limiting enrollment to students enrolled in the District.

12. Results of the on-line course quality review using the guidelines and model review process published by the Michigan Virtual University.

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po2411

GUIDANCE AND COUNSELING

2411 - **GUIDANCE AND COUNSELING**

The Board of Education requires that a planned program of guidance and counseling be an integral part of the educational program of the District. Such a program should:

A. assist students in achieving their optimum growth;

B. enable students to draw the greatest benefit from the offerings of the instructional program of the schools;

C. assist students in career awareness and planning and in the selection of appropriate postsecondary educational opportunities;

D. help integrate all the student's experience so that s/he can better relate school activity to life outside the school;

E. help students learn to make their own decisions and solve problems independently.

The Superintendent is directed to implement the counseling and guidance program which carries out these purposes and:

A. involves appropriate staff members at every level;

B. honors the individuality of each student;

C. is integrated with the total educational program;

D. is coordinated with available resources of the community;

E. cooperates with parents and recognizes their concern and ideas for the development of their children;

F. provides means for such sharing of information among such appropriate staff members as may be in the best interests of the student;

G. provides that an appropriate amount of time and effort shall be given to providing guidance and counseling services to those students sixteen (16) to nineteen (19) years of age who do not intend to enroll in an institution of higher education after graduating from high school or who require or desire employment in connection with their continued education;

H. establishes a referral system which utilizes all the aid the schools and community offer, guards the privacy of the student, and monitors the effectiveness of such referrals.

po2412

HOMEBOUND INSTRUCTION PROGRAM

2412 - **HOMEBOUND INSTRUCTION PROGRAM**

The Board of Education shall provide, pursuant to requirements of the State Board of Education, individual instruction to students of legal school age who are not able to attend classes because of a physical or emotional disability.

A physician, psychiatrist, hospital (e.g., psychiatric hospitals), or licensed treatment facility (e.g., substance abuse centers) must certify the student as homebound or hospitalized. Psychologists, chiropractors, or other professionals may not certify a student as eligible. The certification must state:

A. the medical condition requires the student to be confined to home or hospitalized during regular school hours;

B. the home or hospital confinement will last for a period longer than five (5) consecutive school days; and

C. must bear the signature of an M.D. or a D.O. if the student was seen by a physician's assistant or nurse practitioner.

Applications must be approved by the building principal.

The District shall recommend that the instruction begin within three (3) days from the date of notification for nonspecial-education students. In the case of students under an

IEP, the instruction is to begin within fifteen (15) days after notification in order to arrange for a meeting of an I.E.P.C., if necessary.

The program of homebound or hospitalized instruction given each student shall be in accordance with regulations of the State Board of Education with such exceptions as may be recommended by the physician. Teachers of homebound special education students shall hold a Michigan teaching certificate appropriate for the level of instruction for which the assignment is made or for the type of instruction called for by an I.E.P.C. Teachers of nondisabled students must hold a valid teaching certificate.

The District reserves the right to withhold homebound instruction when:

A. the instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher;

B. a parent or other adult in authority is not at home with the student during the hours of instruction;

C. the condition of the student is such as to preclude the student's benefit from such instruction.

The Superintendent shall develop administrative guidelines for implementing the policy.

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po2413

CRITICAL HEALTH PROBLEMS

2413 - **CRITICAL HEALTH PROBLEMS**

The Board of Education, in compliance with State law, has adopted a comprehensive program of health education, known as the Michigan Model for Comprehensive School Health Education for grades 4 through 12 which will prepare students to maintain good health and enable them to adapt to changing health problems of our society

The Board recognizes that this program, like others the District offers, may contain content and/or activities that some parents find objectionable. The District shall notify the parents, in advance of the instruction and about the content of the instruction and give the parents an opportunity to review the materials to be used.

The Superintendent shall prepare administrative guidelines that will ensure the health education program includes appropriate learning experiences related to such topics as use, abuse, and effects of drugs, alcohol, and tobacco; mental, physical, and dental health; disease prevention and control; accident prevention; and related health and safety topics.

In implementing these programs, the Superintendent may use whatever District and outside resources, including Department of Education and ISD guidelines and consultants, s/he deems appropriate.

po2414

REPRODUCTIVE HEALTH AND FAMILY PLANNING

2414 - **REPRODUCTIVE HEALTH AND FAMILY PLANNING**

The Board of Education directs that instruction be provided on the principal modes by which dangerous communicable diseases, including HIV and AIDS, are spread and the best methods for the restriction and prevention of these diseases. The instruction shall stress that abstinence from sex is the only protection that is 100% effective against unplanned pregnancy and sexually transmitted diseases, including HIV and AIDS, and that abstinence is a positive lifestyle for unmarried young people.

No person shall dispense or otherwise distribute in a District school or on District school property a family planning drug or device. Additionally, any school official, member of the Board, or employee of the Board who is not the parent or the legal guardian of the student involved is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

Each person who teaches K to twelve (12) students about human immunodeficiency virus infection and acquired immunodeficiency syndrome shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. Licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome are exempt from this requirement.

For a class in which the subjects of family planning or reproductive health are discussed, the District shall notify the parents of the fact that the student will be enrolled in the course and notify the parents about the content of the instruction. Parents shall be given prior opportunity to review the materials to be used (other than

tests) and shall be advised in advance of the parents' right to have their child excused from the instruction.

Before any revisions to the curriculum on the subjects taught pursuant to M.C.L. 380.1169 are implemented, the Board shall hold at least two (2) public hearings on the proposed revisions. The hearings shall be held at least one (1) week apart and public notice of the hearings shall be given in the manner required for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to M.C.L. 380.1507.

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po2416

STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

2416 - **STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION**

The Board of Education respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

A. political affiliations or beliefs of the student or his/her parents;

B. mental or psychological problems of the student or his/her family;

C. sex behavior or attitudes;

D. illegal, anti-social, self-incriminating or demeaning behavior;

E. critical appraisals of other individuals with whom respondents have close family relationships;

F. legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;

G. religious practices, affiliations, or beliefs of the student or his/her parents; or

H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall ensure that procedures are established whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

To insure the right of parents, the Board directs building and program administrators to:

A. Notify parents in writing of any surveys, analyses, or evaluations, which may reveal any of the information, as identified in A-H above, in a timely manner, and which allows interested parties to request an opportunity to inspect the survey, analysis, or evaluation; and the administrator to arrange for inspection prior to initiating the activity with students.

B. Allow the parent the option of excluding their student from the activity.

C. Report collected data in a summarized fashion which does not permit one to make a connection between the data and individual students or small groups of students.

D. Treat information as identified in A-H above as any other confidential information in accordance with Policy 8350.

Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

The Board will not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Superintendent is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

po2418

SEX EDUCATION

2418 - **SEX EDUCATION**

In accordance with Michigan statute, the Board of Education authorizes instruction in sex education. Such instruction may include family planning, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. Instruction may also include the subjects of reproductive health and the recognition, prevention, and treatment of sexually transmitted diseases.

The instruction described in this policy shall stress that abstinence from sex is a responsible and effective method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted diseases and is a positive lifestyle for unmarried young people.

Such instruction shall be elective and not a requirement for graduation.

A student shall not be enrolled in a class in which the subjects of family planning or reproductive health are discussed unless the student's parent or guardian is notified in advance of the course and the content of the course, is given a prior opportunity to review the materials to be used in the course and is notified in advance of the parent's/guardian's right to have the student excused from the class. The Michigan Board of Education shall determine the form and content of the notice required in this policy.

Upon the written request of the student's parent or legal guardian, the student shall be excused, without penalty or loss of academic credit, from attending a class described in this policy. If a parent or guardian submits a continuing written notice, the student will

not be enrolled in a class described in this policy unless the parent or guardian submits a written authorization for that enrollment.

The District shall provide the instruction by teachers qualified to teach health education. Material and instruction in a sex education curriculum shall be age-appropriate, medically accurate, and shall comply with the statutory requirements of M.C.L. 380.1507b.

The Board shall establish a sex education advisory board and shall determine terms of service for the sex education advisory board, the number of members to serve on the advisory board, and a membership selection process that reasonably reflects the District's population. The Board shall appoint two (2) co-chairs for the advisory board, at least one (1) of whom is a parent of a child attending a District school. At least one-half (1/2) of the members of the sex education advisory board shall be parents who have a child attending a District school, and a majority of these parent members shall be individuals who are not employed by a District. The sex education advisory board shall include students of the District, educators, local clergy, and community health professionals. Written or electronic notice of a sex education advisory board meeting shall be sent to each member at least two (2) weeks before the date of the meeting.

The sex education advisory board shall:

A. Establish program goals and objectives for student knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases. Additional program goals and objectives may be established by the sex education advisory board that are not contrary to Michigan law.

B. Review the materials and methods of instruction used and make recommendations to the Board for implementation. The advisory board shall take into consideration the District's needs, demographics, and trends including, but not limited to, teenage pregnancy rates, sexually transmitted disease rates, and incidents of student sexual violence and harassment.

C. At least once every two (2) years, evaluate, measure, and report the attainment of program goals and objectives established by the advisory board. The Board shall make the resulting report available to parents in the District.

Before adopting any revisions in the materials or methods used in instruction under this policy including, but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease, the Board shall hold at least two (2) public hearings on the proposed revisions. The hearings shall be held at least one (1) week apart and public notice of the hearings shall be given in the manner required for Board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to M.C.L. 380.1169.

Each person who provides instruction to K to twelve (12) students in accordance with this policy shall receive training based on District-approved standards and in accordance with training requirements of the Michigan Department of Education (MDE) and Michigan Department of Health and Human Services (MDHHS).

No person shall dispense or otherwise distribute, in a District school or on District school property, a family planning drug or device. Additionally, any school official, member of the Board, or employee of the Board who is not the parent or legal guardian of the student involved is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

For purposes of this policy, "family planning" means the use of abstinence to help individuals or couples avoid unplanned pregnancies; bring about wanted births; regulate the intervals between pregnancies; and plan the time at which births occur in relation to the age of parents. It may include the study of fetology. It may include marital and genetic information. Clinical abortion shall not be considered a method of family planning, nor shall abortion be taught as a method of reproductive health.

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po2421

CAREER AND TECHNICAL EDUCATION

2421 - **CAREER AND TECHNICAL EDUCATION**

The Board of Education recognizes the importance of career and technical education in meeting the needs of youth, adults, business, industry, and labor of this State. Knowledgeable students having access to career and technical education programs established to meet needs of high school students and adults are even more important today with the need for continued economic growth, school- to-career transition, and a global workforce.

The Board of Education agrees to coordinate and cooperate with intermediate, State, and Federal educational agencies in an effort to establish Career and Technical Education (CTE) in school districts.

Through participation in the State Aid categorical of Added Cost (61a) and Federal legislation including the Carl D. Perkins Vocational and Applied Technology Act, and in cooperation with public secondary and postsecondary educational agencies, the Board will seek to provide funding to support career-related education opportunities for both youth and adults in the service area by promoting the development of services and activities that integrate rigorous and challenging academic and career and technical instruction, and that link secondary education and postsecondary education for participating career and technical education students.

The Superintendent and staff will work and plan in cooperation with business, industry, and labor to reflect their changing needs for trained personnel.

po2430

DISTRICT-SPONSORED CLUBS AND ACTIVITIES

2430 - **DISTRICT-SPONSORED CLUBS AND ACTIVITIES**

The Board of Education believes that the goals and objectives of this District are best achieved by a diversity of learning experiences, including those that are not conducted in a regular classroom but are directly related to the curriculum.

The purpose of curricular-related activities shall be to enable students to explore a wider range of individual interests than may be available in the District's courses of study but are still directly related to accomplishing the educational outcomes for students as adopted by the Board in Policy 2131.

For purposes of this policy, curricular-related activities are defined as those activities in which:

A. the subject matter is actually taught or will be taught in a regularly offered course;

B. the subject matter concerns the District's composite courses of study;

C. participation is required for a particular course;

D. participation results in academic credit.

No curricular-related activity shall be considered to be under the sponsorship of this Board unless it meets one or more of the criteria stated above and has been approved by the Superintendent.

Such activities, along with extra-curricular activities (not directly related to courses of study), may be conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board and directed by a staff advisor.

The Board shall allow nondistrict-sponsored, student clubs and activities during noninstructional time, in accordance with the provisions in Policy 5730 -- Equal Access For Nondistrict-Sponsored, Student Clubs and Activities.

Noncurricular student activities that are initiated by parents or other members of the community may be allowed under the provisions of Policy 7510 - Use of District Facilities. The Board, however will not:

A. assume any responsibility for the planning, conducting, or evaluating of such activities;

B. provide any funds or other resources;

C. allow any member of the District's staff to assist in the planning, conducting, or evaluating of such an activity during the hours s/he is functioning as a member of the staff.

No nondistrict-sponsored organization may use the name of the School District or any other name which would associate an activity with the District.

In addition to the eligibility requirements established by the Michigan High School Athletic Association, to be eligible for any athletic or other extra-curricular activity, a student must comply with the District athletic eligibility standards.

Students shall be fully informed of the curricular-related activities available to them and of the eligibility standards established for participation in these activities. District-sponsored activities shall be available to all students who elect to participate and who meet eligibility standards. Whenever a student becomes a member of a District-established student group or national organization such as the National Honor Society, in order to remain a member, s/he must continue to meet all of the eligibility criteria and abide by the principles and practices established by the group or the organization.

The Superintendent shall prepare administrative guidelines to implement a program of curricular-related clubs and activities. Such guidelines should ensure that the needs and interests of the students are properly assessed and procedures are established for continuing evaluation of each club and activity.

po2431

INTERSCHOLASTIC ATHLETICS

2431 - **INTERSCHOLASTIC ATHLETICS**

The Board of Education recognizes the value to the District and to the community of a program of interscholastic athletics for as many students as feasible.

The program of interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by a school or the School District alone.

The program should foster the growth of school loyalty with the student body as a whole and stimulate community interest in athletics.

Game activities and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship.

The Board believes that it is the purpose of an interscholastic program to provide the benefits of an athletic experience to as large a number of students as feasible within the District.

The Board further adopts those eligibility standards set by the Constitution of the Michigan High School Athletics Association (MHSAA) and shall review such standards annually to ascertain that they continue to be in conformity with the objectives of this Board.

Since the primary purpose of the athletic program is to enhance the education of participating students as indicated in this policy, the Board places value on student participation, good sportsmanship, team play, and fair competition. The Superintendent is to develop guidelines for coaches to follow which will ensure that students have the opportunity to benefit from the learning experience.

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

A list of performance-enhancing substances developed by the Department of Community Health can be found in AG 2431D. This list will be distributed to parents.

The Superintendent shall develop appropriate administrative guidelines for the operation of the Athletic Program and a Code of Conduct for those who participate. Such guidelines should provide for the following safeguards:

A. Prior to enrolling in the sport,

1. each participant shall submit to a thorough physical examination by a District-approved physician.

2. parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation.

B. Any student who is found to have a health condition which may be life-threatening to self or others shall not be allowed to participate until the situation

has been analyzed by a medical review panel that has determined the conditions under which the student may participate.

C. Any student who incurs an injury requiring a physician's care is to have written approval by a physician prior to the student's return to participation.

A female student shall be permitted to compete for a position in all interscholastic athletic activities. If the District has a girls' team in an interscholastic athletic activity, a female shall be permitted to compete for a position on any other team for that activity.

In support of the Michigan High School Athletic Association's program to strengthen sportsmanship, ethics, and integrity, the Board commits itself to:

A. adopt policies (upon recommendation of the administration) which reflect the District's educational objectives and promote, the ideals of good sportsmanship, ethics, and integrity;

B. establish standards for athletic participation which reinforce the concept that athletic activities are a privilege, not a right;

C. attend and enjoy school athletic activities, serving as a positive role model and expecting the same from parents, fans, participants, coaches, and other school personnel;

D. support and reward participants, coaches, school administrators, and fans who display good sportsmanship;

E. recognize the value of school athletic activities as a vital part of education.

In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches should never dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes.

The Superintendent is also to develop guidelines for ensuring that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate. Such guidelines should include the MHSAA's set of expectations for each type of participant as well as the Sportsmanship Code of Conduct which each type of participant is to follow. The Superintendent is authorized to implement suitable disciplinary procedures against those who violate this Code of Conduct.

po2431.01

MANAGING HEAT AND HUMIDITY IN INTERSCHOLASTIC ATHLETIC PROGRAMS

2431.01 - **MANAGING HEAT AND HUMIDITY IN INTERSCHOLASTIC ATHLETIC PROGRAMS**

The Board of Education authorizes the implementation of the model policy and procedures of the Michigan High School Athletic Association (MHSAA) for managing heat and humidity to minimize the risk of heat-related illness in interscholastic athletic programs. For all interscholastic athletic programs and activities as prescribed by the MHSAA, temperature and humidity shall be monitored and recorded in accordance with this policy and administrative guidelines (AG 2431.01). Temperature and humidity readings are to be recorded in writing and maintained for each school by the Athletic Director/Athletic Trainer.

Heat Index measurements thirty (30) minutes prior to the start of the activity and again sixty (60) minutes after the start of the activity shall determine the appropriate measures to be followed with regard to the practice or competition activity. In all such circumstances, coaches/advisors shall provide the following, as indicated by the heat index:

A. ample amounts of water

B. water breaks

C. ice-down towels, and

D. careful monitoring of athletes/participants for necessary action

Coaches/advisors shall consider the nature of the sport/activity requiring additional equipment and shall adjust the time of outside activity and time of day for the activity in accordance with the MHSAA model policy.

If the Heat Index is above 104° degrees, the coach/advisor shall stop all outside activity in practice and/or play and shall stop all inside activity if air conditioning is unavailable. When the temperature is below 80° degrees, there is no combination of heat and humidity that will result in the need to curtail activity.

po2440

SUMMER SCHOOL

2440 - **SUMMER SCHOOL**

The Board of Education may conduct a summer program of academic instruction at the 3-12 grade levels for resident students of this District and such other students as the Board may admit.

Summer school instruction shall be designed to provide opportunities for students to:

A. improve a poor grade;

B. improve learning skills;

C. make up a failed course;

D. enrich a scholastic program;

E. explore new academic areas.

The Board may annually approve a summer school program. In order to support such a program of summer instruction, the Board may:

A. employ teaching and administrative staff;

B. purchase such books, materials, supplies, and equipment as may be necessary;

C. appoint the director;

D. make available school facilities as required;

E. provide necessary custodial services.

Tuition fees shall not be charged to students domiciled within the District.

Tuition shall be charged for nonresident students at rates as determined by the Board.

Instructional fees may be charged to all students, when necessary.

With regard to transportation, the Board does not accept responsibility for any student.

The Superintendent shall be responsible for developing administrative guidelines for the operation of the summer program which shall be consistent with Board policies and not conflict in any way with the administration of the regular school sessions of the District.

po2460

SPECIAL EDUCATION

2460 - **SPECIAL EDUCATION**

The Board of Education shall enter into an agreement with the Monroe County Intermediate School District to provide a comprehensive, free, and appropriate educational program to all eligible disabled persons ages zero (0) through twenty-five (25) which complies with Federal and State laws and guidelines.

The Superintendent shall prepare whatever administrative guidelines are necessary to ensure effective implementation of the special education program.

po2460.02

LEAST RESTRICTIVE ENVIRONMENT POSITION STATEMENT

2460.02 - **LEAST RESTRICTIVE ENVIRONMENT POSITION STATEMENT**

It is the philosophy and position of the Board of Education and its administration that the primary responsibility for the administration and delivery of special education programs and services should be within the District and at the school a student would regularly attend, whenever appropriate.

Further, the Board endorses a commitment to the provision of a continuum of special education programs and services to disabled students in cooperation with the Monroe County Intermediate School District. Placement options shall follow a continuum of services model to ensure that each disabled person is provided a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). To that end, every attempt will be made to first serve disabled students in the context of a regular education classroom. Other more restrictive environments such as: resource rooms, self-contained categorical classrooms, or settings outside of a District school will be considered only after consideration has been given by the IEPC as to the feasibility of placement in the regular classroom.

po2461

RECORDING OF DISTRICT MEETINGS INVOLVING STUDENTS AND/OR PARENTS

2461 - **RECORDING OF DISTRICT MEETINGS INVOLVING STUDENTS AND/OR PARENTS**

Recording of IEP Team and 504 Team Meetings

In order to facilitate parents' ability to fully participate in the IEP and/or 504 process, parents of students with disabilities are ordinarily permitted to audio record IEP Team meetings and 504 Team meetings in accordance with the following procedures:

A. Parents wishing to audio record an IEP Team meeting or 504 Team meeting must utilize their own recording device and provide notice to the District prior to the date of the scheduled IEP Team or 504 Team meeting.

B. If parent(s) elects to audio record an IEP Team meeting, the District will also record the meeting.

Recording of Other District Meetings Involving Students and/or Parents (e.g., Parent-Teacher Conferences)

Parents are permitted to audio record meetings with the District provided they notify the District prior to the date of the scheduled meeting of their intent to record the meeting. If a parent provides the requisite notice and is permitted to audio record the

meeting, s/he must use his/her own recording device and the District will similarly record the meeting.

Video recording any District meeting is strictly prohibited, with the exception of meetings open to the public under the Open Meetings Act.

Parents and students are expressly prohibited from using covert means to listen-in or make a recording (audio or video) of any meeting or activity at school. This includes placing recording devices, or other devices with one (1) or two (2) way audio communication technology (i.e., technology that allows a person off-site to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag, on the student's person or otherwise in an area capable of listening in or recording without express written consent of the Superintendent. Any requests to place a recording device or other device with one (1) or two (2) way audio communication technology within a student’s book bag or on a student’s person shall be submitted, in writing, to the Building Principal. The District representative shall notify the parent(s), in writing, whether such request is denied or granted within five (5) days.

If the District audio records any meeting, the resulting recording shall become a part of the student's educational record and will be maintained in accordance with State and Federal law.

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po2510

ADOPTION OF TEXTBOOKS

2510 - **ADOPTION OF TEXTBOOKS**

The Board of Education shall approve all textbooks used as part of the educational program of this District. "Textbook", for purposes of this policy, shall mean the principal source of instructional material for any given course of study, in whatever form the material may be presented, that is available or distributed to every student enrolled in the course.

The principal shall be responsible for the selection and recommendation of textbooks for Superintendent and Board consideration. In considering the approval of any proposed textbook, the Board will weigh its decisions based on recommendations related to:

A. suitability for the maturity level and educational accomplishment of the students who will be using the material;

B. freedom from bias;

C. relationship to the curriculum adopted by the Board;

D. relationship to a continuous multigrade program;

E. impact on community standards;

F. manner of selection;

G. cost;

H. appearance and durability.

The Superintendent shall develop administrative guidelines for the selection of textbooks that includes effective consultation with professional staff members at all appropriate levels.

po2521

SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT

2521 - **SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT**

The Board of Education shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school.

The Superintendent shall develop administrative guidelines for the selection and maintenance of all educational and instructional materials and equipment. In addition s/he shall periodically, provide for a systematic review, by the Board, of the District's educational resources in order to ensure that they are appropriate for the current educational program. Any revisions that occur should be a result of the school-improvement process.

Students shall be held responsible for the cost of replacing any materials or properties which are lost or damaged through their negligence.

Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in shop activities where the product becomes the property of the student.

po2531

COPYRIGHTED WORKS

2531 - **COPYRIGHTED WORKS**

The Board of Education directs its staff to use copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public school districts and the staff must, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent to provide administrative guidelines regarding the copying and distribution of copyrighted materials for instructional purposes.

po2623

STUDENT ASSESSMENT

2623 - **STUDENT ASSESSMENT**

The Board of Education shall, in compliance with law and rules of the State Board of Education, assess student achievement and needs in designated subject areas in order to determine the progress of students and to assist them in attaining District goals.

Each student's proficiencies and needs will be assessed by staff members upon the student's entrance into the District and annually or more frequently, as required by law, thereafter. Procedures for such assessments will include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs and/or diagnostic reading assessment systems, student portfolios, and physical examinations.

The Superintendent shall develop a program of testing and assessment that includes:

A. the Michigan Student Test of Educational Progress (M-STEP), the Michigan Merit Examination ("MME") (or other readiness assessment program approved by the State Superintendent) the PSAT and MI-Access Alternate Assessments administered each year in accordance with the schedule established by statute and the State Department of Education;

   M-STEP includes summative assessments designed to measure student growth effectively for today's students. English language arts and mathematics will be assessed in grades three (3) through eight (8), science in grades four (4) and seven (7), and social studies in grades five (5) and eight (8). It also includes the Michigan Merit Examination in 11th grade, which consists of the SAT with essay, ACT WorkKeys, and M-STEP summative in science, and social studies.

B. a valid and reliable screening, formative, and diagnostic third grade reading assessment system from the assessment systems approved by the Michigan Department of Education;

C. criteria-based written and oral examinations which include use of alternative questions, demonstrations, writing exercises, individual and group projects, performances, portfolios, and samples of best work;

D. selection of assessment instrument, data, and other District criteria that will be used to assess educational achievement of each student in grades one (1) through five (5);

E. assessment tests;

F. aptitude tests;

G. achievement tests;

H. vocational inventories;

I. tests of mental ability.

The Superintendent is responsible for the District's assessment and testing program and shall implement the program in accordance with the provisions of the Office of Educational Assessment and Accountability (OEAA) and the reporting requirements of the Michigan Department of Education (MDE). The Superintendent will appoint an

individual to act as each assessment's District Assessment Coordinator. All staff members who participate in a state assessment must be fully trained in proper test administration procedures pertaining to their role in the assessment.

The Superintendent shall require that all appropriate staff have knowledge of the prescribed standards of ethical assessment practice and shall monitor the assessment practices for compliance with these standards. These duties shall include:

A. communicating standards of ethical assessment practice;

B. communicating security procedures for assessment;

C. establishing procedures for reviewing assessment materials and procedures and assessment preparation materials and procedures;

D. establishing channels of communication that allow teachers, other educators, students, parents, and other members of the community to voice concerns about assessment practices;

E. establishing written procedures for investigating complaints, allegations, and/or concerns about assessment practices, protecting the rights of an individual, the integrity of an assessment, and the results of an assessment.

The Board requires that:

A. any assessment tests used shall not be a psychiatric examination, testing, or treatment; or a psychological examination, testing, or treatment in which the primary purpose is to reveal information concerning:

1. political affiliations;

2. mental and psychological problems potentially embarrassing to the student or the student's family;

3. sexual behavior and attitude;

4. illegal, anti-social, self-incriminating, and demeaning behavior;

5. critical appraisals of other individuals with whom respondents have close family relationships;

6. legally-recognized, privileged and analogous relationships, such as those of lawyers, physicians, and ministers;

7. income without the prior consent of the adult student or without the prior written consent of the parent;

B. any personality testing complies with Department of Education guidelines.

The Board also requires that:

A. tests be administered by persons who are qualified under State law and regulation;

B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;

C. data regarding individual test scores be entered on the student's cumulative record, where it will be subject to the policy of this Board regarding student records;

D. the results of each school-wide, program-wide, and District-wide test be made part of the public record.

All eleventh grade students shall participate in the Michigan Merit Examination, unless excluded under the guidelines established by the State Department of Education.

A student who does not qualify for a Michigan Promise Grant, and who wants to repeat the Michigan Merit Examination (or other State approved readiness assessment) may repeat the Examination in the next school year on a designated testing date. The first time a student repeats the Examination shall be without charge to the student, but the student is responsible for paying the cost of any subsequent repeat.

The District shall administer the complete Michigan Merit Examination to a student only once and shall not administer the complete Michigan Merit Examination to the same student more than once if the student has valid scores in some or all MME components. If a student does not take the complete Michigan Merit Examination in grade eleven (11), the District shall administer the complete Michigan Merit Examination to the student in grade twelve (12). If a student chooses to retake the college entrance examination component of the Michigan Merit Examination, the student may do so through the provider of the college entrance examination component and the cost of the retake is the responsibility of the student unless all of the following are met:

A. the student has taken the complete Michigan Merit Examination;

B. the student did not qualify for a Michigan promise grant based on the student's performance on the complete Michigan Merit Examination;

C. the student meets the Federal income eligibility criteria for free breakfast, lunch, or milk;

D. the student has applied to the provider of the college entrance examination component for a scholarship or fee waiver to cover the cost of the retake and that application has been denied;

E. after taking the complete Michigan Merit Examination, the student has not already received a free retake of the college entrance examination component paid for either by the State of Michigan, or through a scholarship or fee waiver by the provider.

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po2624.01

UNION ACTIVITY AND REPRESENTATION

2624.01 - **UNION ACTIVITY AND REPRESENTATION**

The District will not engage In any of the following:

- Interfere with, restrain, or coerce employees In the exercise of their rights under the Public Employment Relations Act (PERA);

- discriminate In regard to hire, terms, or other conditions of employment based on membership or non-membership In a labor organization;

- discriminate against an employee because he/she has given testimony or Instituted proceedings under PERA;

- Initiate, create, dominate, contribute to, or Interfere with the formation or administration of any labor organization; and

- use public school resources to assist a labor organization In collecting dues or service fees from wages of public school employees, unless a collective bargaining agreement expressly permits dues or service fee deductions from wages. Upon the expiration of the collectlve bargaining agreement, the District Is not obligated to collect labor organization dues or service fees. Unless prohibited by a collective bargaining agreement, the District may charge an administrative fee to the labor organization for collecting and processing dues and other deductions on the organization's behalf.

This Policy Is not Intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede any Inconsistencies with this Policy unless contrary to state or federal law.

An employee who Is subject to an Investigatory Interview that may result In discipline or reasonably believes that an investigatory Interview may result In dlsclpllne may bring to the Investigatory meeting another employee, or a union representative, If the employee Is In an exclusively represented bargaining unit. If the employee's union representative of choice Is not Immediately available, the Investigatory meeting need not be delayed and may proceed with another representative present.

The District may permit a union representative to attend other meetings, but Is not obligated to do so unless required by law or by an appllcable collective bargaining agreement. District administration Is not required to Inform an employee of the right to union representation.

An employee Is not entitled to have legal representation present at an employment-related meeting with District administration unless the Superintendent or designee gives prior permission.

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po2628

STATE AID INCENTIVES

2628 - **STATE AID INCENTIVES**

The Board of Education, in its efforts to provide a quality education for the students of this District, shall review annually the State School Aid Act to determine any programs or incentives that offer additional revenues.

The Superintendent shall examine the requirements for each of the programs or incentives to determine which are feasible for this District and provide the Board with the necessary resolutions for those selected.

At-Risk Funding

The State School Aid Act provides Section 31a funding for instructional and student support services who meet the at-risk identification characteristics specified.in Section 31a(20).

At-risk characteristics include low achievement on State- or local-administered assessments in mathematics, English language arts, social studies or science; failure to meet proficiency standards in reading by the end of 3rd grade or career and college readiness for high school students at the end of 12th grade; a victim of child abuse or neglect; is a pregnant teenager or teenage parent; has a family history of school failure, incarceration or substance abuse; is economically disadvantaged; is an English learner (EL); is chronically absent as defined and reported to the Center for Educational Performance and Information (CEPI); is an immigrant who has immigrated within the immediately-preceding three (3) years ; and in the absence of State or local assessment data, meets at least two or more identified risk factors.

Section 31a funds are limited to instructional services, and direct non-instructional services to students. They may not be used for administration or other related costs. The District shall implement multi-tiered systems of support, as required, in order to access such funding.

Annually, the Superintendent shall allocate such funding to appropriate programs and services based on District priorities. Section 31a funds may be used to provide an anti-bullying or crisis intervention program.

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po2700

P.A. 25 ANNUAL REPORT

2700 - **P.A. 25 ANNUAL REPORT**

The District must prepare and publicly disseminate the P.A. 25 Annual Report no later than the beginning of each school year to all parents of all students. Required information for the District and each individual school building includes the following:

Assessment Data

A. Aggregate student achievement at each proficiency level on State assessments.

B. Student achievement at each proficiency level disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and economic status. The Federal requirement is to report this data only when it is statistically sound. The Michigan Department of Education recommends reporting on subgroups if the size is more than thirty (30) students in the school or thirty (30) students across each grade level tested.

C. Percentage of students not tested, disaggregated by each group (if statistically sound).

D. Most recent two (2) year trend in achievement for each subject area and grade level.

E. Report of the school's results of locally administered student competency tests and/or nationally normed achievement tests. This should include data from the assessments for students in grades 1-5, as required by section 1280b of the School Code (P.A. 25).

School Programs

A. Accreditation status. Public Act 25 (P.A. 25) requires schools to report on State accreditation status, accreditation by the North Central Association Commission on Accreditation and School Improvement, or another specialized accreditation authority approved by the US Department of Education (P.A. 25).

B. District student retention data, in addition to the data on graduation rate referenced earlier (P.A. 25).

C. Number and percentage of students enrolled in postsecondary programs and/or college level equivalent courses, if the school has a high school (dual enrollment) (P.A. 25).

D. The status of the core curriculum and the School Improvement Plan (P.A. 25).

Staff

A. The professional qualifications of teachers, the percentage of teachers teaching with emergency or provisional credentials, and the percentage of classes not taught by highly qualified teachers (disaggregated by high- poverty compared to low-poverty schools).

B. The annual progress toward meeting State objectives for percentage of highly qualified teachers.

Parents

A. Information on parent-teacher conference attendance rates, a requirement of P.A. 25.

B. Dissemination of the District's and school's parent involvement policy.

The school may include additional data if it chooses.

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po3110

CONFLICT OF INTEREST

3110 - **CONFLICT OF INTEREST**

Staff members, officers, and agents shall perform their official duties in a manner free from conflict of interest. To this end:

A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by the District's Board members, employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the District.
To accomplish this, the Board of Education has adopted the following guidelines which apply to all District employees, officers, agents, and Board members to assure that conflicts of interest do not occur. These guidelines are not intended to be all-inclusive, nor to substitute for good judgment on the part of all employees, officers, agents, and Board members.

1. No employee, officer, agent, or Board member shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's, officer's, agent's, or Board member's duties and responsibilities in the school system. When a staff member determines that the possibility of a personal interest conflict exists, the staff member should, prior to the matter being considered by the Board or administration, disclose the staff member's interest (such disclosure shall become a matter of record in the minutes of the Board).

2. No staff member, officer, agent, or Board member shall use their position to benefit either themselves or any other individual or agency apart from the total interest of the District.

3. If the financial interest pertains to a proposed contract with the District, the following requirements must be met.

The staff member, officer, agent, or Board member shall disclose the direct financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If the direct financial interest amounts to $250 or more or five percent (5%) or more of the contract cost to the District, the staff member, officer, agent, or Board member shall make the disclosure in one (1) of two (2) ways:

a. In writing, to the Board President at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165)

b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member, officer, agent, or Board member must use this method of disclosure if the financial interest amounts to $5,000 or more.

4. Employees, officers, agents, and Board members shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship the employee, officer, agent, or Board member may have with any student, client, or parents of such students or clients in the course of the employee's, officer's, agent's, or Board member's employment or professional relationship with the District.

Included, by way of illustration rather than limitation are the following:

a. the provision of any private lessons or services for a fee

b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's, agent's, or Board member's employment or professional relationship with the District through access to District records

c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals

d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer, agent, or Board member, or any business or professional practitioner with whom any employee, officer, agent, or Board member has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

5. Employees, officers, agents, and Board members shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

B. Should exceptions to this policy be necessary in order to provide services to students or clients of the District, all such exceptions will be made known to the employee's, officer's, or agent's supervisor and will be disclosed to the Superintendent before entering into any private relationship.

C. No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.

Pursuant to Federal rules, the District has set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value not to exceed the amount of the allowable ISD level.

D. If the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the District is unable, or appears to be unable, to be impartial in conducting a procurement action involving a related organization.

E. Employees, officers, agents, and Board members must promptly disclose any potential conflict of interest which may lead to a violation of this policy to the District. Upon discovery of any potential conflict of interest, the District will disclose, in writing, the potential conflict of interest to the appropriate Federal agency or, if applicable, the pass-through entity.
The District will also promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729–3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity. The District is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200.

F. Employees, officers agents, and Board members found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

Revised 7/14/16

po3111

CREATING A POSITION

3111 - **CREATING A POSITION**

The Board of Education recognizes the need to establish positions which, when filled by competent, qualified professional staff members, will assist the District in achieving the education goals set by the Board. The District employs only U.S. citizens and others lawfully authorized to work in the United States.

The Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to the Federal Immigration Reform and Control Act of 1986.

The Board reserves the right to:

A. create new positions;

B. specify the number of persons to be employed with each job category;

C. set the initial salary for a new position not currently covered by a valid, negotiated, collectively-bargained agreement.

In the exercise of its authority to create new positions, the Board shall give primary consideration to the:

A. number of students enrolled;

B. special needs of the community;

C. special needs of the students;

D. operational services of the District.

E. The Board shall, upon the advice of the Superintendent, consider the advisability of creating a new position or of increasing the number of professional staff members in an existing position.

po3112

BOARD-STAFF COMMUNICATIONS

3112 - **BOARD-STAFF COMMUNICATIONS**

The Board of Education desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

A. **Staff Communications to the Board**

All communications from staff members to the Board or its committees shall be submitted through the Superintendent. This procedure is not intended to deny any staff member the right to appeal to the Board on important matters through established procedures.

B. **Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's problems, concerns, and actions.

C. **Social Interaction**

Both staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, discussions between staff and Board members of personalities or personnel grievances will be considered to be unethical conduct.

po3120

EMPLOYMENT OF PROFESSIONAL STAFF

3120 - **EMPLOYMENT OF PROFESSIONAL STAFF (Effective July 1, 2024)**

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly-qualified and competent personnel. The Board requires that anyone employed as a professional staff member with instructional responsibilities in an elementary or secondary school in this District hold a certificate, permit, or vocational authorization valid for the positions to which the professional staff member is assigned.

The Board shall approve the employment and also, when not covered by the terms of a negotiated, collectively-bargained agreement, fix the compensation and establish the term of employment for each professional staff member employed by the Board.

Individuals employed in the following categories shall be considered members of the professional staff:

A. administrators

B. teachers

C. counselors

D. media/technology

E. social worker

All professional staff are subject to a criminal history record check. See Policy 3121.

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

All applications for employment shall be referred to the Superintendent’s office.

Relatives of Board members may be employed by the Board, provided the Board member does not participate in any way in the discussion or vote on the employment when a conflict of interest is involved.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which the staff member would be supervised directly by the relative staff member.

Applications for employment will not be accepted from any current District Board member. If a Board member wishes to apply for a position, the Board member's resignation must be accepted by the Board prior to submitting an application.

The Board may employ administrators, without provision for tenure, by means of written contract for a term not to exceed five (5) years.

Any professional staff member's intentional misstatement of fact or omission material to qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The temporary employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

No candidate for employment to the professional staff as a nonadministrator shall receive recommendation for such employment without having proffered visual evidence of proper certification or that application for such certification is in process, except as otherwise permitted by law.

Prior to hiring an applicant, the Superintendent shall obtain from the applicant a signed Consent to Obtain Records (Form 3120 F2) and shall obtain from the applicant's current or immediately-previous employer any records, including the applicant's personnel file relating to unprofessional conduct in which the applicant engaged. Any such records are to be reviewed prior to a recommendation for employment and may be disclosed to those individuals directly involved in evaluating the applicant's qualifications.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

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Revised 12/10/18

Revised 6/10/19

Revised 1/10/22

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EMPLOYMENT OF SUBSTITUTES

3120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Board of Education recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

This policy is not intended to change or alter the terms of the collective bargaining agreement between the Board and a labor organization unless contrary to state or federal law.

Substitute personnel are subject to a criminal history record check. See Policy 3121.

The Superintendent shall employ substitutes for assignment as services are required to replace temporarily absent regular staff members and fill new positions. Such assignment of substitutes may be terminated when their services are no longer required. A substitute, however, who is employed directly by the District for 150 days or more during a school year of not less than 180 days, except under circumstances identified in statute, shall be given, during the balance of that year as well as during the succeeding school year, the first opportunity to accept or reject a contract for which the person is certified and qualified, provided that all other District teachers have been reemployed in accordance with the negotiated, collectively-bargained agreement.

Substitutes must possess a valid Michigan professional certificate and a permit, if substitute teaching in a subject for which s/he is not certified, except under the following circumstances:

A. The Superintendent may employ noncertificated, nonendorsed substitutes to teach in grades 9-12 a course in computer science, foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any other course approved by the State Board, providing they meet all of the conditions established by law and by the Superintendent.

B. The Superintendent may also employ a substitute without a valid teaching certificate if the person has at least sixty (60) semester hours of college credit or an associate degree from a college or university or community college. The sixty (60) semester hours do not need to be from the same college, university, or community college.

C. The Superintendent may employ noncertificated, substitutes to teach in an industrial technology education program or career and technical education program providing they meet all of the conditions established by law and by the Superintendent.

In order to retain well-qualified substitutes for service in this District, the Board will offer competitive compensation at a rate set annually by the Board.

A substitute, employed directly by the District in one (1) specific teaching position shall, after sixty (60) consecutive days in that assignment, be paid a salary not less than the minimum salary on the current salary schedule and granted the privileges provided regular staff.

A substitute shall be paid a minimum of one-half (1/2) day once the substitute is called.

The Board may enter into a contract with a person or entity (a partnership, nonprofit or business corporation, labor organization, limited liability company, or any other association, corporation, trust, or other legal entity) to furnish substitute teachers to the

District as necessary to carry out the operations of the District. A contract entered into under this section shall include the following provisions:

A. Assurance that the person or entity will furnish the School District with qualified teachers in accordance with the School Code and any implementing rules and regulations.

B. Assurance that the person or entity will not furnish to the school district any teacher who, if employed directly by the School District, would be ineligible for employment by the District as a substitute teacher under the School Code.

C. A description of the level of compensation and fringe benefits to be provided for the employees of the person or entity who are to be assigned to the District as substitute teachers.

D. A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the School District.

E. Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the District, will comply with and provide to the Board the criminal history record information obtained under section 1230 and with the results of the criminal record check under section 1230a of the School Code.

A School District that contracts with a person or entity to furnish substitute teachers under this section may purchase liability insurance to indemnify and protect the School District and the person or entity against losses or liabilities incurred by the District and person or entity arising out of any claim for personal injury or property damage caused by the District, its officers, employees, or agents. A District may pay premiums for the insurance out of its operating funds.

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SELECTING STUDENT TEACHERS/ADMINISTRATIVE INTERNS

3120.06 - **SELECTING STUDENT TEACHERS/ADMINISTRATIVE INTERNS**

The Board of Education encourages cooperation with State-approved colleges and universities in the training of student teachers and administrative interns, because the public school offers an essential ingredient - direct experience with students and teachers at work in the classroom, but certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of a student teacher or administrative intern.

The Superintendent shall make the final placement of student teachers or administrative interns.

The supervising staff member shall have had no less than four (4) years of successful experience in the area of assignment.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate a teaching program if one (1) or more aspects of the program are not of high quality or meeting District needs or expectations.

po3120.07

EMPLOYMENT OF CASUAL RESOURCE PERSONNEL

3120.07 - **EMPLOYMENT OF CASUAL RESOURCE PERSONNEL**

It is the purpose of this policy to allow the casual employment of personnel in a consulting capacity for administration, in-service, or instruction.

In the general fund of the Board of Education, money is appropriated annually for special services. This might include resource persons in specialized fields of education that could offer consulting advice on the administration or instructional processes. The Superintendent shall negotiate a reasonable payment with the resource person.

Specialists from industry, business, agriculture, or health occupation fields may be employed in a consulting capacity to assist with program planning, in-services, or directly in the instructional program. Professional staff members employed by the District may be used as casual resource personnel, outside of their regular assignment, at the discretion of the Superintendent.

The Superintendent shall prepare administrative guidelines to ensure proper implementation of this policy.

po3120.08

EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES

3120.08 - **EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES**

The Board of Education may find it necessary to employ, on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees:

A. maybe members of the District's support staff, or

B. maybe individuals from the community or nearby areas.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

The Superintendent shall establish administrative guidelines to ensure that each person employed as a coach or activity sponsor has the appropriate qualifications, has been properly interviewed, and signs an employment contract which includes the conditions of employment, compensation arrangements, and contract termination procedures.

Appropriate qualifications shall, at a minimum, include any requirements established by the State, and may also include any program specific training or certification as determined by the Superintendent. Starting with the 2025-2026 school year, an individual hired to serve at the high school as an athletic coach shall have a valid certification in cardiopulmonary resuscitation and use of an automated external

defibrillator issued by the American Red Cross, American Heart Association, or a comparable organization or institution approved by the Michigan Department of Education.

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VOLUNTEERS

3120.09 - **VOLUNTEERS**

The Board of Education recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the professional staff responsible for the conduct of those programs and activities.

The Superintendent shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. S/He shall not be obligated to make use of volunteers whose abilities are not in accord with District needs.

Any volunteer who works with or has access to students shall be screened through the Internet sites for the Sex Offenders Registry (SOR) list, the Internet Criminal History Access Tool (ICHAT) criminal history records check and the Offender Tracking Information System (OTIS) prior to being allowed to participate in any activity or program.

The Superintendent is to inform each volunteer that s/he:

A. shall agree to abide by all Board policies and District guidelines while on duty as a volunteer including signing, if appropriate, the District's Network and Internet Access Agreement Forms;

B. will be covered under the District's liability policy but the District cannot provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers compensation;

C. will be asked to sign a form releasing the District of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services.

The Superintendent shall also ensure that each volunteer is properly informed of the District's appreciation for his/her time and efforts in assisting the operation of the schools.

po3120.10

JOB SHARING

3120.10 - **JOB SHARING**

The Board of Education recognizes the value to the District to obtain the services of quality staff members who may not be available on a full-time basis but wish to offer their knowledge and skills part-time through a job-sharing process.

The District will consider job share requests only if the cost (including benefits) of employing two (2) staff members on a half-time basis does not exceed the cost of employing one full-time staff member.

Half-time positions may be approved in which two (2) currently employed staff members will be allowed to share one (1) full-time position. Each staff member will be given credit for one (1) full year of seniority for this half-time job assignment.

The Board authorizes the Superintendent to create a job-sharing program provided it does not impact adversely on the District or any current staff member.

po3121

CRIMINAL HISTORY RECORD CHECK

3121 - **CRIMINAL HISTORY RECORD CHECK**

Before the District hires any employee (full or part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"Under contract" shall apply to individuals, as well as owners and employees of entities, who contract directly with the District or with a third party vendor, management company, or similar contracting entity to provide food, custodial, transportation, counseling or administrative services on more than an intermittent or sporadic basis. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the District, the District shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the District or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the District prior to the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information ("CHRI").[1] Where the District will contract with a Private Contractor for the services of an individual, the District will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the District. The District may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the District should use the Affidavit of Assignment or similar "red light/green light" procedure.

Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

A. the record check has been requested;

B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and

C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

For substitute teachers or substitute bus drivers currently working in another district, public school academy or non-public school in the State, the Superintendent may use a report received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

Individuals working in multiple districts may authorize the release of a prior criminal history records check with another district in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a school district, intermediate school district, public school academy or non-public school within the State, with no separation, may have their previous record check sent to the District in lieu of submitting to a new criminal background check. If this method is used, the

Superintendent must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay off or leave of absence of less than twelve (12) months with the same employer; or the employee transfers without a break in service to another school district, intermediate school district, public school academy or non-public school within the State.

All CHRI received from the State Police or produced by the State Police and received by the District from another proper source, will be maintained pursuant to Policy 8321.

When the District receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any felony unless both the Superintendent and the Board provide written approval.

The District must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the District with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the State Police. In addition, the Superintendent shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must submit, at no expense to the District, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to CHRI by the Superintendent Violation of confidentiality is considered a misdemeanor punishable by a fine up to $10,000.

Any notification received from the Michigan Department of Education or Michigan State Police regarding District employees with criminal convictions shall be exempt from disclosure under the Freedom of Information Act (FOIA) for the first fifteen (15) days until the accuracy of the information can be verified. Thereafter, only information about felony convictions or misdemeanor convictions involving physical or sexual abuse may be disclosed in reference to a FOIA request.

CHRI may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school academy or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

_____

[1] Individuals who submit and receive such criminal history record checks on behalf of the District must be direct employees of the District. Notwithstanding this, Information Technology contractors and vendors may be granted access to CHRI subject to successful completion of a national fingerprint-based criminal history record check as detailed in Policy 8321.

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Revised 6/12/17
Revised 12/11/17

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po3121.01

CRIMINAL CONVICTION REVIEW

3121.01 - **CRIMINAL CONVICTION REVIEW**

In an effort to maintain a safe environment for students, staff and visitors, the District will review the criminal records of those individuals who apply to or work for the District or are contracted to work on a regular and continuous basis in the schools.

Individuals convicted of crimes listed in Section 2 of the Sex Offender Registry Act, M.C.L.A. 28.722, shall not be allowed to work in the schools or in the District.

Individuals convicted of a felony not listed in the Sex Offender Registry Act may not continue to work in the District, unless or until they have received written approval from both the Superintendent and the Board of Education. Pending such approval employees shall be placed on administrative leave. Such leave shall be with pay.

Individuals convicted of a misdemeanor related to sexual abuse, child abuse or controlled substances shall require the written approval of the Superintendent and the Board to continue employment.

All other criminal convictions shall require the written approval from the Superintendent to obtain or maintain employment in the District.

Except for felony convictions, the Superintendent shall determine whether the individual will be allowed to work pending review of the criminal convictions and a determination of whether the individual should be allowed to work in the District.

The Superintendent shall suspend consideration of any applicant and shall determine whether an employee or person contracted to work in the District will be allowed to work while felony charges are pending against the individual.

In making the determination regarding whether to hire an applicant or allow an individual to continue working with pending felony charges or after a conviction, the Superintendent and the Board will consider the following factors:

A. the nature of the offense does relate or is related to children, sex, drugs, or violence, etc.

B. how long ago did the incident occur

C. were there repeated incidents

D. nature of assignment in District (access to children, role model, etc.)

E. whether any treatment or other rehabilitation has occurred

F. the nature of the employee's work record since offense (likelihood of repeated misbehavior)

Neither the Board nor the Superintendent shall consider criminal charges that did not result in conviction, or pending misdemeanor charges in determining whether to hire

or continue the employment of any individual.

In making recommendations to the Board on whether to allow individuals with convictions or pending felony charges to work in the District, the Superintendent shall provide written reasons supporting the recommendation.

The Board shall provide written reasons supporting its determination on whether to allow an individual with a conviction to work in the District.

The Superintendent shall be responsible for processing the necessary review of criminal convictions, and providing the Board timely notice of its need to act in accordance with this policy.

po3122

NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

3122 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

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

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all District operations and this policy applies to Prohibited Conduct occurring within or as a part of the District's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct with ongoing remedies as reasonably necessary to restore or preserve access to the District’s education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the below-described grievance procedures.

B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.

C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more employees, and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws. Ordinary teasing, horseplay, arguments, and peer conflict do not constitute bullying for purposes

of this policy.

Complainant means: an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or a person, other than an employee, who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Prohibited Conduct.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., days that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refer to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

Genetic information means: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical

research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person’s disability and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual’s particular disability. It also includes harassment based on traits or characteristics linked to an individual’s disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated.

Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of

a person of any gender against a person of the same or another gender.

1. Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching; and obscene gestures.

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

    c. Rape, sexual assault, or other acts of sexual violence.

    d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature placed in the work environment; asking or telling about sexual fantasies, sexual

preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment, or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space

Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It further 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.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. ”Pregnancy” and “childbirth” refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. “Related medical conditions” are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of

Federal and/or State civil rights laws.

Relevant means: related to the allegations of Prohibited Conduct under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

Remedies means: measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that Prohibited Conduct occurred.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

School District community means: students and Board employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Supportive measures means: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the complainant or the respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the District's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings; training related to Prohibited Conduct, referral to Employee Assistance Program, and other similar measures.

Third Parties means: guests and/or visitors on District property (e.g., visiting speakers,

participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the District undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in

protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with GINA, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The District Compliance Officer (see below) shall be responsible for overseeing the District's compliance with applicable Federal regulations and promptly dealing with any inquiries or complaints. The District Compliance Officer or designee shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the Americans with Disabilities Act ("ADA") or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not

provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

District Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "District Compliance Officer(s)" or "CO(s)"):

Director of Human Resources
6655 Consear Rd., Ottawa Lake, MI 49267
734-856-1443

The contact information concerning the District Compliance Officer(s) will be published on the School District's website and annually in parent/student and staff handbooks.

The District Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the CO(s) shall report directly to the Board's Legal Counsel until the matter in which the Superintendent is a party is concluded.

Questions about this policy should be directed to the District Compliance Officer(s).

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Copies of the laws and regulations listed above are available upon request from the CO(s).

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the District community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the District’s education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of nondiscrimination on the District’s website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons

listed above, or which are otherwise used in connection with the recruitment of employees.

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours).

All Board employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Board employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Board employee must notify the/a CO within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Board employee's attention, and the reporting individual submitted a written notification/report or complaint to the Board employee, the Board employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Superintendent or another Board employee who, in turn, will notify the Superintendent of the report/complaint. The Superintendent will then serve in place of the CO for purposes of addressing that report of Prohibited Conduct.

When a Board employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly (i.e., within two (2) days of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported 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 complaint, and explain to the complainant the process for filing a complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or other individuals who are participating or attempting to participate in the District's education programs or activities (i.e., members of the School District community and Third Parties), or by the CO alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievances procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy.

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the District investigate and determine whether Prohibited Conduct occurred:

A. a "complainant," which includes:

1. an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or

2. a person other than an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a time when that individual was participating or attempting to participate in the District's education programs or activities;

B. an authorized legal representative with the legal right to act on behalf of a complainant;

C. the District Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the District; or

B. any person other than an employee who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

The District may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the District's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Michigan Department

of Civil Rights, at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The District will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the District Compliance Officer, the investigator, the decisionmaker, the appeal decisionmaker, and the facilitator of the informal resolution process, shall be free from any conflicts of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If the CO does not intend to serve as the investigator/decisionmaker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decisionmaker in a specific case, the CO shall, in consultation with and approval of the Superintendent or Board President (as appropriate), secure one (1) or more independent third parties to serve as the investigator and/or decisionmaker.

The District presumes that the respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. **Evaluation** – The District Compliance Officer will determine whether to dismiss a complaint or investigate it within ten (10) days of receiving the complaint.

B. **Investigation** – The CO, or designated investigator/decisionmaker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within twenty (20) days of the CO determining the charges require investigation.

If, however, the CO, or designated investigator/decisionmaker, determines that the investigation is going to take longer, the CO will so notify the parties and the Superintendentand will thereafter keep the partiesand the Superintendentinformed of the status of the matter on a regular basis.

C. **Appeal –** A party filing an appeal of the CO's decision to dismiss a complaint, or the Determination,must do so within three (3)days of receiving the Dismissal or Determination.

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The District will take reasonable steps to protect the privacy of the parties and witnesses. These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decisionmaker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible — including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily waived the privilege or confidentiality; and

B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the District Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures and informal resolution process associated with claims involving Prohibited Conduct;

B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and

C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a complaint of Prohibited Conduct if:

A. the District is unable to identify the respondent after taking reasonable steps to do so;

B. the respondent is not participating in the District's education program or activity and is not employed by the Board;

C. the complainant voluntarily withdraws any or all the allegations in the complaint, the CO declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Prohibited Conduct even if proven; or

D. the District determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the complaint, the CO will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the CO will promptly notify, in writing, the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the respondent of the dismissal and the basis for the dismissal.

The CO will further notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the CO will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

B. implement appeal procedures equally for the parties;

C. ensure that the appeal decisionmaker did not take part in the original dismissal of the complaint;

D. ensure that the appeal decisionmaker has been trained consistent with this Policy;

E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

F. notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the complainant as appropriate;

B. if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the District's education programs or activities.

Informal Resolution Process:

In lieu of resolving a complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The District will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the District decides to investigate additional allegations of Prohibited Conduct by the respondent toward the complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different complaint involving the same respondent, the CO will notify the parties of the additional allegations.

Investigation:

The District will provide for an adequate, reliable, and impartial investigation of complaints.

The burden is on the District — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decisionmaker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The CO, or the designated investigator/decisionmaker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decisionmaker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker, applying the applicable standard, is

not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that Prohibited Conduct occurred.

B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination.

C. Not impose discipline on a respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in Prohibited Conduct.

D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:

1. coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education programs or activities limited or denied by the Prohibited Conduct;

2. coordinate the imposition of any disciplinary sanctions on a respondent; and

3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the District's education programs or activities.

E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.

F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

Appeal of Determinations:

If a party disagrees with the decisionmaker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within five (5) days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decisionmaker, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

The CO will designate an appeal decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained.

The CO has authority, in consultation with and approval of the Superintendent or Board President (as appropriate), to secure an independent Third Party to serve as the appeal decisionmaker.

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;

B. implement appeal procedures equally for the parties;

C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;

D. provide the appeal decisionmaker with the relevant and not otherwise impermissible evidence and the Determination; and

E. notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal or Determination

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have five (5) days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have ten (10) days to issue a decision on the appeal.

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe in detail the evidence, including how and when it was discovered/obtained, and explain why it was not reasonably available during the Investigation (i.e., prior to the Determination). If the appeal decisionmaker accepts the proffered explanation, the appeal decisionmaker should remand the case back to the investigator/decisionmaker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decisionmaker.

The appeal decisionmaker shall determine the outcome of the appeal based on the appeal decisionmaker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence and the written determination) and the appeal

decisionmaker's application of the law and Board policy to the facts in the record. The appeal decisionmaker must give due deference and due weight to the decisionmaker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record read in its entirety compels a contrary conclusion. Generally, the appeal decisionmaker is expected to uphold the original Determination unless the appeal decisionmaker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decisionmaker shall submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO, who will send it simultaneously to the parties. The appeal decision shall set forth the result of the appeal and the appeal decisionmaker's rationale for the outcome.

The appeal decisionmaker's Board's decision shall be final.

Supportive Measures:

The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the District's provision of support measures does not require the District, Board employees, or any other person authorized to provide aid, benefit, or service on the District's behalf to alter the alleged discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include, but are not limited to: modifications of work schedules, mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain work settings; training related to Prohibited Conduct; referral to Employee Assistance Program; and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the District's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The District will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the District may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The District will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the District's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the District may impose disciplinary sanctions, which may include:

A. oral or written warning;

B. written reprimands;

C. required training or education;

D. suspension with pay;

E. suspension without pay;

F. termination; and

G. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The District may also provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Michigan Constitution, Federal or State law, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a code of conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a complaint or information reported about possible Prohibited Conduct, for the purpose of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The District shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination that Prohibited Conduct occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. The District will keep confidential the identity of any individual who has made a complaint of Prohibited Conduct, any complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District’s obligation to maintain confidentiality shall not impair or otherwise affect the complainant’s and respondent’s receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the respondent must be provided the complainant's identity.

During an investigation, the CO or designated investigator/decisionmaker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to other members of the School District Community or Third Parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in

disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment.

Training

All employees, investigators, decisionmakers, facilitators of informal resolution process, the District Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Training materials will be made available for inspection upon request by members of the public.

Recordkeeping (including retention of investigatory records and materials)

The District Compliance Officer(s) is/are responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation. Records and materials associated with

the implementation of this policy shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for the period set forth below, unless required to be maintained for a longer period pursuant to the District's records retention schedule.

The District shall maintain for a period of seven (7) calendar years the following records:

A. for each complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed and the resulting outcome;

B. for each notification that the District Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the District took to implement this policy; and

C. all materials used to provide the training referenced above.

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

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including, but not limited to, District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Board employee under this policy including, but not limited to, the functions assigned to the District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator

of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific complainant and/or respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible that unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Revised 11/8/10

Revised 1/14/13

Revised 9/12/14

T.C. 8/14/17

Revised 12/10/18

Revised 4/12/21

T.C. 7/1/22

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po3122.01

DRUG-FREE WORKPLACE

3122.01 - **DRUG-FREE WORKPLACE**

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of collective bargaining agreements.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement.

po3123

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

3123 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based upon the employee's or applicant's disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one (1) or more major life activities. Major life activities are functions such as caring for one's self, 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.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

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

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual 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 required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)").

Director of Human Resources
(734) 856-1443 x 111
6655 Consear Rd.
Ottawa Lake, MI 49267

The names, titles, and contact information of these individuals will be published annually on the School District's website.

The District Compliance Officer(s) are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be published on the District's website and posted throughout the District, and included in the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that they have been discriminated against on the basis of 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.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

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 with a District Compliance Officer within the time limits specified below. The District's Compliance Officer is available to assist individuals in filing a complaint.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. 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. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the District Compliance Officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the District

Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the District Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the District Compliance Officer for good cause.

C. The District Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). 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. The District Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The District Compliance Officer shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render a decision within ten (10) days of the hearing.

E. The employee may be represented, at the employee's own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that they have been subjected to discrimination based upon disability in violation of Section 504 or the 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
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012
TDD: 800-877-8339
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the

exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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po3124

EMPLOYMENT CONTRACT

3124 - **EMPLOYMENT CONTRACT**

It will be the responsibility of the Superintendent to ensure that all members of the professional staff execute a written employment contract in accordance with the legal requirements related to their position in the District.

The Superintendent is authorized to execute employment contracts for the Board upon approval of employment.

po3124.01

PERFORMANCE BASED COMPENSATION

3124.01 - **PERFORMANCE BASED COMPENSATION**

The Board of Education places great emphasis on employee performance and supports a system of performance-based compensation.

Effective January 4, 2010, Section 1250 of the Michigan revised school code requires school districts to implement merit pay for teachers and school administrators based on a combination of their performance evaluation rating and other contributions the teacher or administrator has made to the District.

The District will use a rigorous, transparent, and fair evaluation system for all teachers, which will include annual year-end evaluations for all teachers, except as otherwise provided by Michigan law.

The Superintendent is responsible for implementing a method of compensation that includes job performance and job accomplishments as a significant factor in accordance with Section 1250.

If a teacher receives an "effective" or "highly effective" rating on their annual year-end evaluation, along with other factors, then they may be eligible for additional compensation.

The discontinuance or reduction of performance-based compensation paid pursuant to this policy and Section 1250 of the revised school code is not a demotion under the Michigan Teachers' Tenure Act.

po3130

ASSIGNMENT AND TRANSFER

BOARD POLICY 3130 IS REPEALED BY BOARD POLICY 3130.01 EFFECTIVE 6/30/2024

3130 - **ASSIGNMENT AND TRANSFER**

The Board of Education believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the District.

The Superintendent shall be responsible for the proper assignment and transfer of all professional staff members and shall attempt to affect the optimum assignment of the professional staff in conformance with any applicable contractual or legal requirements, State certification requirements, and Federal requirements. The Superintendent shall establish an audit procedure to ensure that each instructional staff member's teaching certificate is currently in compliance with appropriate State certification criteria and has not been nullified or, if applicable, that the professional staff member is otherwise qualified to teach as allowed by law.

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Revised 12/10/18

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po3130.01L

PLACEMENT (Effective July 1, 2024)

3130.01L - **PLACEMENT (Effective July 1, 2024)**

This Policy Is not Intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede any Inconsistencies with this Polley unless contrary to state or federal law.

A. **Teacher as Defined by Revised School Code Section 1249**

The appropriate placement of effective teachers is an essential component In promoting student academic growth, educational outcomes, and quality educational services. The Superintendent or deslgnee may make teacher placement decisions at their dlscretion consistent with this Policy.

Placement includes, but is not limited to, assignment, transfer, or the filling of a position with current staff or newly hired teachers. For vacant positions see Paragraph C (Vacancy).

Placement does not include reduction In force or recall decisions governed by Policy 3131.01 - Reduction In Force and Recall.

Consistent with Revised School Code Section 1248, teacher placement decisions shall be based on the following clear and transparent factors:

1. Staffing the curriculum with the most effective, certified, and qualified teachers to Instruct the applicable courses, grades, and school schedule.

2. Appropriate certification, approval, or authorization for all aspects of the assignment. The certification, approval, or authorization, as applicable, will be determined by the Revised School Code, MDE's Teacher Certification Code, MDE's Rules for Special Education Programs and Services, and other applicable statutes and regulations.

3. Teacher placement decisions must be made based on teacher effectiveness criteria established in Revised School Code Section 1249 and Policies 3142 Probationary Teachers; 3220 - Professional Staff Evaluation; and/or 3242 Professional Growth Requirements.

4. Teacher placement decisions will be guided by the following criteria:

    a. Retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the curriculum, academic level(s), and department(s).

    b. Teachers must be properly certified, approved, or authorized for all aspects of their assignments. The teacher's certification, authorization, or approval status will be:

        1. Determined by the Revised School Code, MDE's Teacher Certification Code, MDE's Rules for Special Education Programs and Services, and other applicable statutes and regulations; and

        2. Based on documentation on file with the Superintendent's office.

            a. A teacher must maintain valid certification, approval, or authorization, as applicable, and is responsible for filing a copy of the certificate, approval, or authorization with the Superintendent's office In compliance with Revised School Code Section 1532.

            b. If a teacher petitions for nullification of the teaching certificate or any endorsement, the teacher must promptly provide written notice of that petition to the Superintendent's office.

    c. In addition, teachers must be fully qualified for all aspects of their assignments, as determined by the Board, based on

documentation on file with the Superintendent's office, including:

1. Compliance with applicable state or federal regulatory standards, Including standards established as a condition to receipt of foundation, grant, or categorical funding;

2. Credentials needed for District, school, or program accreditation;

3. District-provided professional development, training, and academic preparation for an Instructional assignment that Is anticipated to contribute to the teacher's effectiveness In that assignment and is Integrated Into Instruction;

4. Relevant special training, other than professional development or continuing education as required by state or federal law, and Integration of that training Into instruction in a meaningful way;

5. Disciplinary record, if any

6. Length of service in a grade level(s) or subject area(s);

7. Recency of relevant and comparable teaching assignments;

8. Previous effectiveness ratings;

9. Attendance and punctuality;

10. Rapport with colleagues, parents, and students;

11. Ability to withstand the strain of teaching;

12. Compliance with state and federal law; and

13. Other relevant factors as determined by the Superintendent or designee.

5. Length of service may be considered as a tiebreaker If a teacher placement decision Involves 2 or more teachers and all other factors distinguishing those teachers from each other are equal.

B. **Placement of Non-Teaching Professionals Not Subject to Revised School Code Section 1249**

If a collective bargaining agreement or Individual employment contract governs the Non-Teaching Professional's employment, the Superintendent or designee will comply with the applicable language on placement.

If a collective bargaining agreement or Individual employment contract does not address the placement of Non-Teaching Professionals, the Superintendent or designee is authorized to place Non-Teaching Professionals at their discretion.

C. **Vacant Positions**

Vacancies may be posted consistent with Policies 3132 - Vacancies; 3120 - Employment of Professional Staff; and/or 3121 - Criminal History Record Check. The Superintendent or designee determines when a vacancy exists. Generally, a vacancy Is an unassigned, open position or a newly created position which the District Intends to permanently fill.

Vacancies may be filled by a certified and qualified Internal or external candidate consistent with this Polley. The Superintendent or designee has full discretion to assign Professional Staff or contractors to cover employee absences consistent with business necessity and operational needs.

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po3131

REDUCTION AND RECALL OF TEACHERS

BOARD POLICY 3131 IS REPEALED BY BOARD POLICY 3131.01 EFFECTIVE 6/30/2024

3131 - **REDUCTION AND RECALL OF TEACHERS**

In making program and staffing decisions, the Board of Education shall retain the most effective teachers who are certified and qualified to instruct the courses within the established curriculum, academic levels and departments. The Board shall determine the size of the teaching staff in response to curricular, fiscal, and other operating conditions and retains the exclusive right to do so. To the extent that such determinations involve the requirements of Section 1248 of the Revised School Code, MCL 380.1248, this policy shall guide the implementation of that statute.

To the extent that such determinations involve the adoption and implementation of a reform plan under Section 1280c of the Revised School Code (Priority Schools), MCL 380.1280c, and corresponding regulations and guidance, this policy and the District's reform plan shall control.

A. **General Provisions**

1. This policy applies to "teachers", which term refers to those District employees whose employment is regulated by the Teachers' Tenure Act, MCL 38.71, et seq.

2. The Superintendent shall be responsible, acting within budgetary approval and consistent with any applicable school redesign plan approved by the Michigan Department of Education, for establishing the number and type of teaching assignments to implement the approved curriculum. If the Superintendent determines that insufficient funds are

budgeted for the existing complement of faculty or that a reduction in teaching staff is necessary due to programmatic or curricular considerations (including, but not limited to, implementation of a school redesign plan), he/she shall recommend to the Board the number of teaching positions and the academic levels or departments to be reduced.

3. Similarly, if after a reduction of teachers, the Superintendent determines that the District's programs and curriculum cannot be delivered through the existing complement of faculty and that sufficient funds are budgeted to support an increase in the number of teachers, he/she shall recommend to the Board the number of teachers to be added and the affected academic level(s) or department(s). If a school is operating under a redesign plan which authorizes a reduction in existing staff recall of teachers is contingent upon compliance with the redesign plan.

4. Decisions involving the reduction and recall of teachers shall be guided by the following:

    a. Retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the established curriculum, academic level(s), and department(s).

        1. This policy shall not require retention or recall of a probationary or tenured teacher whose most recent performance evaluation contains an overall rating of "ineffective" or "minimally effective" in preference to any probationary or tenured teacher rated either "effective" or "highly effective", as reflected in that teacher's most recent performance evaluation.

        2. A probationary teacher who is rated as "effective" or "highly effective" on his/her most recent annual year-end performance evaluation is not subject to being displaced under this policy by a tenured teacher solely because the other teacher has attained tenure under the Teachers' Tenure Act, MCL 38.71, et seq.

b. All teachers must be properly certified, approved, or authorized for all aspects of their assignments. The certification, authorization, or approval status of a teacher shall be:

    1. Determined by applicable statutes and regulatory authority, including, but not limited to, the Revised School Code, the Teacher Certification Code, and the Michigan Department of Education's Rules for Special Education Programs and Services; and

    2. Based upon documentation on file with the Superintendent's office. A teacher shall maintain current and valid certification, approval or authorization, as applicable, and shall be responsible for filing a copy of his/her teaching certificate, approval, or authorization with the Superintendent's office in compliance with Section 1532 of the Revised School Code, MCL 380.1532. If a teacher petitions for nullification of his/her teaching certificate or any endorsement, s/he shall promptly provide written notice of that petition to the Superintendent's office.

c. All teachers must be qualified for all aspects of their assignments, as determined by the Board based upon documentation on file with the Superintendent's office and considering:

    1. Compliance with applicable state or federal regulatory standards, including, but not limited to, those standards established as a condition to receipt of foundation, grant, or categorical funding;

    2. Compliance with applicable accreditation requirements;

    3. A teacher's professional training and academic preparation for an instructional assignment that are anticipated to contribute to the teacher's effectiveness in that assignment;

4. Formal or specialized training in the subject area(s) or grade level(s);

5. Completed college and continuing education courses and professional development in the instructional subject area(s);

6. A teacher's prior teaching experience that is relevant to an instructional assignment and that is anticipated to contribute to the teacher's effectiveness in that assignment. This may include, but is not limited to, consideration of the following factors:

    a. the building and department, academic level and grade level;

    b. instructional subjects;

    c. recency of relevant and comparable teaching assignments; and

    d. previous effectiveness ratings;

d. All teachers shall supply to the District current information and documentation supporting the teacher's qualifications, as provided above. Reduction and recall decisions shall be based on the teacher's certification and qualifications, as reflected in the District's records, at the time that such decisions are made. It is the laid-off teacher's responsibility to maintain current contact information (address, phone and e-mail address) in the Superintendent's office. Failure to maintain current contact information may negatively impact the recall of an eligible teacher under this policy;

e. All teacher reductions and recalls are subject to formal action and approval by the Board;

f. Before the Board decides to implement a teacher reduction of identified teachers, the Superintendent shall notify, in writing, each affected teacher of an opportunity to respond, either in person or in writing, to the proposed reduction;

g. The Superintendent shall provide written notice of Board-approved layoff or recall decisions to each affected teacher; and

h. A teacher's length of service with this District or the teacher's attainment of tenure under the Teachers' Tenure Act shall not be the primary or determining factor in layoff and recall decisions.

i. If the layoff or recall decision involves two or more teachers and each has the same year-end evaluation score used to determine the teacher's effectiveness rating under the performance evaluation system adopted by the Board to implement Section 1249 of the Revised School Code, a tenured teacher has priority over a probationary teacher and, among tenured teachers, the teacher's seniority (as established by the most recent seniority list for the bargaining unit to which the tenured teachers belong) will determine preference for reduction and recall.

B. **Reduction in Staff Process:**

All teacher layoff decisions shall be implemented by the following process:

1. If one or more teaching positions are to be reduced, the Superintendent shall first identify the academic level(s) or department(s) affected by the reduction. Among those teachers who are certified, approved, or authorized and qualified to instruct the remaining curriculum within the affected academic level(s) or department(s), selection of a teacher for layoff shall be based upon the year-end evaluation score used to determine each teacher's effectiveness rating under the performance evaluation system adopted by the Board to implement Section 1249 of the Revised School Code.

2. Teachers within the affected academic level(s) or department(s), who are certified and qualified for the remaining positions and who have the highest effectiveness scores will be retained and the teachers within the affected academic level(s) or department(s) who have the lowest effectiveness scores will be laid-off.

3. When a teaching position has been identified for reduction and there exists a concurrently vacant teaching position for which the incumbent teacher in the position to be reduced is both certified and qualified, and if that teacher has received an overall rating of at least "effective" on his/her most recent year-end performance evaluation, that teacher may be assigned to the vacant position unless the Superintendent determines that the educational interests of the District would not be furthered by that assignment.

4. If more than one teacher whose position has been identified for reduction is certified and qualified for a concurrently vacant teaching assignment, the teacher with the highest year-end evaluation score used to determine the teacher's effectiveness rating under the performance evaluation system adopted by the Board to implement Section 1249 of the Revised School Code shall be afforded priority for the assignment unless the Superintendent determines that the educational interests of the District would not be furthered by that assignment.

C. **Recall Process**

1. A teacher eligible for recall under this policy for twenty-four (24) months following the month in which the layoff becomes effective.

2. The Superintendent shall first identify the academic level(s) or department(s) where a teaching vacancy exists.

Revised 2/11/19
Reviewed 2/14/24

po3131.01L

REDUCTION IN FORCE AND RECALL (Effective July 1, 2024)

3131.01L - **REDUCTION IN FORCE AND RECALL (Effective July 1, 2024)**

This Policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede any inconsistencies with this Policy unless contrary to state or federal law.

A. **Reduction in Force and Recall for Classroom Teachers**

When making program and staffing decisions resulting in the elimination of a teaching position or the recall of a teacher to a vacant teaching position, the Board will retain the most effective classroom teachers who are certified and qualified to instruct courses within the applicable curriculum, academic levels, and departments. The Board has the exclusive right to determine the size of the teaching staff based on curricular, fiscal, and other operating conditions. To the extent that the determinations involve Revised School Code Section 1248 requirements, the clear and transparent procedures of this Policy guides the implementation of that statute.

1. General Provisions

a. The Superintendent is responsible, acting within the approved budget, for establishing the number and nature of teaching assignments to implement the approved curriculum. If the Superintendent determines that insufficient funds are budgeted for the existing teaching staff or that a reduction in teaching staff is necessary due to program, curricular, or other operational considerations, the Superintendent will recommend to the Board the teaching positions to be reduced.

b. Reduction in force and recall decisions must be made based on teacher effectiveness criteria established in Revised School Code Section 1249 and Policies 3142 - Probationary Teachers; 3220 - Professional Staff Evaluation; and/or 3242 Professional Growth Requirements.

c. Decisions about the reduction and recall of teachers will be guided by the following criteria:

1. Retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the curriculum, academic level(s), department(s), and school schedule(s). A probationary teacher rated as effective or highly effective on the teacher's most recent annual year-end performance evaluation is not subject to displacement by a tenured teacher solely because the other teacher is tenured under the Teachers' Tenure Act.

2. Teachers must be properly certified, approved, or authorized for all aspects of their assignments. The teacher's certification, authorization, or approval status will be:

a. Determined by the Revised School Code, MDE's Teacher Certification Code, MDE's Rules for Special Education Programs and Services, and other applicable statutes and regulations; and

b. Based on documentation on file with the Superintendent's office.

1. A teacher must maintain valid certification, approval, or authorization, as applicable, and is responsible for filing a copy of the certificate, approval, or authorization with the Superintendent's office in compliance with Revised School Code Section 1532.

2. If a teacher petitions for nullification of the teaching certificate or any endorsement, the teacher must promptly provide written notice of that petition to the Superintendent's office.

3. In addition, teachers must be fully qualified for all aspects of their assignments, as determined by the Board, based on documentation on file with the Superintendent's office, including:

    a. Compliance with applicable state or federal regulatory standards, including standards established as a condition to receipt of foundation, grant, or categorical funding;

    b. Credentials needed for District, school, or program accreditation;

    c. District-provided professional development, training, and academic preparation for an instructional assignment that is anticipated to contribute to the teacher's effectiveness in that assignment and is integrated into instruction;

    d. Relevant special training, other than professional development or continuing education as required by state or federal law, and integration of that training into instruction in a meaningful way;

    e. Disciplinary record, if any;

    f. Length of service in a grade level(s) or subject area(s);

    g. Recency of relevant and comparable teaching assignments;

h. Previous effectiveness ratings;

i. Attendance and punctuality;

j. Rapport with colleagues, parents, and students;

k. Ability to withstand the strain of teaching;

l. Compliance with state and federal law; and

m. Other relevant factors as determined by the Superintendent or designee.

4. Teachers must provide the District with current information and documentation supporting the teacher's certification and qualifications.

    a. Reduction and recall decisions will be based on the teacher's certification and qualifications in the District's records at the time of the decision.

    b. A laid off teacher must maintain current contact information (address, phone, and email address) with the Superintendent's office.

    c. Failure to maintain current contact information may negatively impact the teacher's recall.

5. Teacher reductions and recalls are by formal Board action.

6. Before the Board authorizes a teacher reduction, the Superintendent or designee will notify, in writing, the

affected teacher of an opportunity to respond, either in person or in writing, to the proposed reduction.

7. The Superintendent or designee will provide written notice of Board reduction in force or recall decisions to each affected teacher.

8. A teacher's length of service with the District or tenure under the Teachers' Tenure Act will not be the sole factor in reduction in force and recall decisions.

d. Teacher reduction in force decisions will be implemented by the following:

1. If 1 or more teaching positions are to be reduced, the Superintendent will first identify the academic level(s) or department(s) affected by the reduction. Among those teachers who are certified, approved, or authorized and qualified to instruct the remaining curriculum within the affected academic level(s) or department(s), selection of a teacher(s) for reduction in force will be based on the factors set forth in this Policy.

2. Teachers within the affected academic level(s) or department(s) who are certified and qualified for the remaining positions will be retained consistent with the factors set forth in this Policy.

3. When a teaching position is identified for reduction and there exists a concurrently vacant teaching position for which the teacher in the position to be reduced is both certified and qualified, and the teacher has received an overall rating of at least effective on that teacher's most recent year-end performance evaluation, that teacher may be assigned to the vacant position consistent with Policy 3130.01-R - Placement unless the Superintendent or designee determines that the District's educational interests would not be furthered by that assignment.

4. If more than 1 teacher whose position has been identified for reduction is certified and qualified for a concurrently vacant teaching assignment, the Superintendent or designee will fill the vacancy consistent with Policy 3130.01-R - Placement, unless the Superintendent determines that the District's educational interests would not be furthered by that assignment.

5. If the reduction or recall decision involves more than 1 teacher and all other factors distinguishing those teachers from each other are equal, seniority (as established by the most recent seniority list for the bargaining unit to which the teachers belong or, if none exists, the District's records) will determine preference for reduction or recall.

   At least 30 calendar days' notice of reduction in force will be provided, absent extenuating circumstances.

2. Teacher Recall Process

   a. A teacher is eligible for recall under this Policy for 12 months from the date the District implemented the reduction in force.

   b. The Superintendent will first identify the academic level(s) or department(s) where a teaching vacancy exists.

   c. Before or in lieu of initiating the recall of a laid-off teacher, the Superintendent may reassign teachers to fill vacancies in accordance with Policy 3130.01-R- Placement.

   d. After or in lieu of any reassignment of existing teaching staff, the Superintendent may take either of the following actions to fill a vacancy:

      1. Recall the laid-off teacher who is certified and qualified for the vacancy, provided the teacher was rated at least effective. If more than 1 laid-off teacher is certified and qualified for recall to a vacant teaching assignment, the

Superintendent or designee will fill the vacancy consistent with Policy 3130.01-R - Placement; or

2. Post the vacancy and consider all applicants if the Superintendent determines that:

    a. the District's educational interests would not be furthered by recalling an otherwise eligible laid-off teacher who meets the certification and qualification standards for the position, considering the factors in Policy 3130.01-R- Placement; or

    b. no teacher on layoff meets the certification and qualification requirements for the position as otherwise stated herein.

e. The Superintendent or designee will provide written notice of the Board's recall decision to any recalled teachers and will establish the time within which a teacher must accept recall to preserve the teacher's employment rights.

f. A laid-off teacher who is offered an interview for a vacancy and who fails to appear at that interview forfeits all rights to recall and continued employment.

g. A laid-off teacher who is recalled and fails to accept recall by the time designated in the recall notice, or who does not report for work by the deadline specified in the recall notice after filing a written acceptance of recall with the Superintendent, will forfeit all rights to recall and continued employment unless the Superintendent, in the Superintendent's sole discretion, has extended the time limit in writing.

If a collective bargaining agreement or individual employment contract governs reduction in force or recall, the Superintendent or designee will adhere to the applicable language.

B. **Reduction In Force and Recall of Non-Teaching Professionals Not Subject to Revised School Code Section 1249**

For Non-Teaching Professionals governed by a collective bargaining agreement, the Superintendent will implement the collective bargaining agreement's standards and procedures that pertain to reduction in force or recall when recommending a reduction in force or recall to the Board.

If no collective bargaining agreement exists, or if an existing agreement does not address reduction in force or recall of Non-Teaching Professionals, the Superintendent will recommend a reduction in force or recall among Non-Teaching Professionals using the same standards and procedures as set forth in this Policy for teachers.

C. **Unemployment Compensation**

A teacher or Non-Teaching Professional who is laid off and who is paid unemployment compensation chargeable to the District during the summer immediately following a reduction in force and who is recalled on or before the beginning of the next school year will be paid according to an annual adjusted salary rate such that the employee's unemployment compensation received plus the adjusted annual salary rate will be equal to the annual rate of salary the employee would have earned for the school year had the employee not been laid off.

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po3132

VACANCIES

3132 - **VACANCIES**

It shall be the policy of the Board of Education to employ the best-qualified individual for any District vacancy at any level.

Vacancies shall be announced, and all members of the professional staff shall be eligible for consideration for any District vacancy, providing they are properly qualified.

The Superintendent shall establish procedures to facilitate identification and evaluation of candidates for administrative, supervisory, and other leadership positions.

Reviewed 2/12/24

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po3139.01

PROFESSIONAL STAFF DISCIPLINE

3139.01 - **PROFESSIONAL STAFF DISCIPLINE**

Maintaining appropriate procedures and standards for addressing misconduct and other inappropriate behavior by Professional Staff Is a critical component in furthering an effective educational environment and in providing quality educational services to students. Off-duty conduct may result In discipline If It adversely impacts the District and Is not a legally protected activity. Information about substantiated unprofessional conduct will not be suppressed or removed from a personnel file consistent with Revised Sc ool Code Section 1230b. This Policy Is not Intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede any Inconsistencies with this Policy unless contrary to state or federal law.

A. **Probationary Professional Staff**

Probationary Professional Staff discipline or demotion may occur for any lawful reason.

1. If the complaint alleges suspected child abuse or neglect, the matter must be immediately reported to Children's Protective Services.

2. An employee who is subject to an Investigatory Interview that may result in discipline or who reasonably believes an investigatory interview may result discipline may bring a representative consistent with Policy 2624.01 - Activity and Representation.

3. The Superintendent or designee Is authorized to place a Professional Staff member on paid, non-disciplinary administrative leave pending the completion of an investigation when, In the judgment of the Superintendent or designee, placing the Professional Staff member on leave will protect the investigatory process or work environment.

4. Disciplinary measures may include warning, reprimand, unpaid suspension, financial penalty, or discharge. This Policy does not require that disciplinary measures be applied progressively or sequentially. The District may apply appropriate disciplinary measures for the circumstances. The District may also consider preventative measures, including training, coaching, and other remedial measures.

5. Discipline will be confirmed in writing and placed In that person's personnel file. The person's year-end performance evaluation may also reflect the discipline.

6. The Superintendent or designee is authorized to Impose discipline except for:

    1. Nonrenewal of a probationary teacher; or

    2. Discharge of a probationary teacher.

The Board's action may be based upon the Superintendent's or designee's written recommendation and applicable procedures set forth In the Teachers' Tenure Act.

B. **Tenured and Non-Probationary Professional Staff**

Tenured teacher discipline or demotion will occur only for a reason(s) that Is not arbitrary or capricious. Likewise, the disciplining of Non-Teaching Professionals will be governed by the arbitrary or capricious standard unless expressly stated otherwise In a collective bargaining agreement, employee handbook, or individual employment contract. Under the arbitrary or capricious standard, a disciplinary decision must be supported by a preponderance of the evidence and the discipline must have a rational relationship to the established misconduct or inappropriate behavior.

Before imposing discipline, the Superintendent or designee will Investigate whether a Professional Staff member engaged In conduct that may justify discipline. The investigation should Include discussions with witnesses

determined by the Superintendent or designee to have relevant Information and a review of tangible evidence (e.g., documents, video, electronic communications). The Professional Staff member will be provided an opportunity to respond to the allegatlon(s).

If a Professional Staff member Is governed by a collective bargaining agreement or Individual employment contract, the Superintendent or designee will adhere to the disciplinary standards and procedures in that agreement. If the collective bargaining agreement or individual employment contract does not have an applicable provision, then the standards and procedures outlined below will apply.

The following procedures may be used for investigating allegations of Professional Staff misconduct or Inappropriate conduct:

1. The Superintendent or designee may consult with legal counsel In appropriate cases and may request that legal counsel assist with an Investigation.

2. The Superintendent or designee will give the Professional Staff member oral or written notice of the allegatlon(s).

3. If the complaint alleges suspected child abuse or neglect, the matter must be immediately reported to Children's Protective Services.

4. The Superintendent or designee will give oral or written notice of the time, date, and location of a meeting to provide the Professional Staff member with an opportunity to respond to the allegatlon(s) and substantiating factor(s).

5. An employee who is subject to an Investigatory interview that may result In discipline or who reasonably believes an Investigatory I t 1ew ay In discipline may bring a representative consistent with alley 2624.01 - Uni n Activity and Representation.

6. The Superintendent or designee Is authorized to place a Professional Staff member on paid, non-disciplinary administrative leave pending the

completion of an Investigation when, In the judgment of the Superintendent or deslgnee, placing the Professional Staff member on leave will protect the Investigatory process or work environment.

7. If an Investigation concludes that a preponderance of the evidence (I.e., more likely than not) establishes that the Professional Staff member engaged In conduct warranting discipline, the appropriate level of discipline will be guided by the following:

    a. the seriousness of the offense;

    b. the Professional Staff member's prior disciplinary and employment record;

    c. whether other Professional Staff members have engaged in similar or like past conduct known to the District's administration and the discipline Imposed for those infractions;

    d. the existence of aggravating or mitigating factors, as determined by the Superintendent or designee;

    e. applicable federal or state law;

    f. the Professional Staff member's acceptance of responsibility;

    g. the likelihood of recurrence; and

    h. any other factors the Superintendent or designee determines are relevant.

8. Disciplinary measures may Include:

    a. warning;

b. reprimand;

c. unpaid suspension;

d. financial penalty; or

e. discharge.

This Polley does not require that disciplinary measures be applied progressively or sequentially. The District may apply appropriate disciplinary measure. The District may consider additional preventative measures to address the misconduct, including training, coaching, and other remedial measures.

9. Discipline will be confirmed In writing and placed In that person's personnel file. The discipline Imposed may also be reflected In the person's year-end performance evaluation.

10. The Superintendent or designee is authorized to Impose discipline except for:

    a. the discharge of a Professional Staff member; or

    b. the demotion of a tenured teacher, as defined In the Teachers' Tenure Act.

    The Board's action may be based on the Superintendent's or designee's written recommendation and applicable procedures In the Teachers' Tenure Act.

11. A tenured teacher's salary may be escrowed after tenure charges are approved by the Board pursuant to Policies 3121 - Criminal History Record Check;

3121.01 - Criminal Conviction Review; 8321 - Criminal Justice Information Security (Non-Criminal Justice Agency); and/or other Policies and Administrative Guidelines that address Applicant and Employee Criminal Arrests, Charges, and Convictions.

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po3140

TERMINATION AND RESIGNATION

3140 - **TERMINATION AND RESIGNATION**

TERMINATION

An employment contract may be suspended or terminated, upon a majority vote of the Board of Education. In such cases, the Board shall abide by due process and such terms as may be set forth in a negotiated, collectively-bargained agreement, the Teacher Tenure Act or the individual contract, as applicable.

Employees and those under contract to work regularly and continuously in the schools, whether part-time or full-time, may not continue employment with the Board if a criminal history records check or other authoritative source reveals a conviction of a "listed" offense under M.C.L. 28.722.

Individuals convicted of a non-listed felony may not continue to work unless both the Superintendent and the Board give written approval. Such conviction(s) may subject professional staff to discharge or demotion of a teacher on continuing tenure. The State Board of Education will be notified of the report of conviction(s) as required by law.

RESIGNATION

A professional staff member may resign in accordance with the terms of the negotiated, collectively-bargained agreement or the staff member's employment contract.

An administrator may resign by filing a written resignation with the Superintendent at least thirty (30) days prior to the effective date of the resignation.

A resignation, once accepted, may not then be rescinded.

The Superintendent may act for the Board in the acceptance of a resignation.

Revised 5/22/00
Revised 12/9/02
Revised 9/14/09
Revised 6/11/12

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po3142

PROBATIONARY TEACHERS

3142 - **PROBATIONARY TEACHERS**

The Board of Education recognizes its obligation to employ only those professional staff members best trained and equipped to meet the educational needs of the students of this District. The Board shall discharge that obligation by retaining in service only those probationary teachers who meet those standards.

Prior to July 1, 2024, teachers, new to the District, who have not previously acquired tenure in the State of Michigan, will be in a probationary status for the first five (5) years of employment before becoming eligible for tenure in the District, except as provided below. A teacher must receive ratings of effective or highly effective on the last three (3) annual performance evaluations to achieve tenure.

Prior to July 1, 2024, probationary teachers who are rated highly effective on the annual performance evaluation in years two (2), three (3), and four (4) achieve tenure after four (4) years. Any teacher having tenure in the District as of July 19, 2011, will not be required to serve additional probation.

Beginning July 1, 2024, if a teacher has been rated as effective on or after July 1, 2024, or highly effective before July 1, 2024, on three (3) consecutive year-end performance evaluations and has completed at least four (4) full school years of employment in the probationary period, the teacher is considered to have successfully completed the probationary period.

Teachers, new to the District, who have previously acquired tenure in any other Michigan school district, shall be required to serve no more than two (2) years of

probation before becoming eligible for tenure in the District but may, at the Board's option, be placed immediately on continuing tenure.

The Superintendent shall ensure that all probationary teachers are provided an Individualized Development Plan, evaluated in a timely manner by appropriate administrators, notified of areas in which performance is not meeting expectations, and are provided assistance in improving their performance.

The Board shall annually review the performance of all probationary teachers by a date adequate to ensure timely compliance with all statutory, contractual, and other applicable timelines. The Superintendent shall provide to the Board a written recommendation with regard to each such teacher specifically noting the extent to which the probationary teacher's performance is meeting District expectations. On the basis of its review, the Board may, in its discretion, (1) non-renew employment based on unsatisfactory performance; or (2) continue the probationary period of employment if not otherwise eligible for tenure (not to exceed the statutory probation periods). The Board's review of such recommendation shall comport with all applicable statutory, contractual, or other legal requirements.

The Superintendent shall ensure that appropriate notices of the Board's actions are timely sent and delivered to all affected probationary teachers. The Superintendent shall further ensure that appropriate guidelines are drafted implementing the requirements of the Teacher Tenure Act.

A teacher who is in a probationary period may be dismissed from employment by the Board at anytime.

Revised 6/11/12
Revised 2/13/17

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po3142.01L

NON-RENEWAL (Effective July, 2024)

3142.01-R - **NON-RENEWAL (Effective July, 2024)**

For purposes of this Polley, "non-renewal" of a probationary teacher refers to the discontinuation of the employment relationship between the Board and a probationary teacher at the expiration of the probationary year following the process set forth In the Teachers' Tenure Act.

Teachers must serve a probationary period as required by the Teachers' Tenure Act. A probationary teacher's contract may be non-renewed for performance-based reasons or any other lawful reason.

This Policy Is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede any Inconsistencies with this Policy unless contrary to state or federal law.

A. **Probationary Period**

1. A probationary teacher rated developing, or needing support may be subject to non-renewal consistent with the Teachers' Tenure Act. To attain tenure, a probationary teacher must be rated effective (after July 1, 2024) or highly effective (before July 1, 2024) on the teacher's 3 most recent year-end annual performance evaluations and serve at least 4 full school years. A teacher's probationary period may extend beyond 4 years.

2. For a teacher who previously held tenure in another Michigan public school district, the teacher Is subject to a 2-year probationary period, unless the Board acts to reduce the teacher's probationary period.

B. **Non-renewal**

1. Probationary teacher non-renewal is subject to the non-renewal procedures specified in the Teachers' Tenure Act. This Policy shall be

implemented consistent with that statute.

2. Before non-renewing a probationary teacher, the probationary teacher must receive written notice of the Superintendent's or designee's recommendation for non-renewal and the time, date, and place of the Board meeting at which the Board will consider the recommendation. The recommendation for non renewal will state the reason(s) for the recommendation and may include supporting documentation.

3. The probationary teacher must receive written notice of Board action to non renew the teacher's contract at least 15 calendar days before the end of the school year (June 30) except as provided In subsection 4 below. If the teacher is hired after the beginning of the school year, notice of non-renewal must be received at least 15 calendar days before the teacher's anniversary date of hire.

4. For a teacher who previously held tenure in another Michigan public school district, the teacher must receive written notice of non-renewal at least 60 calendar days before the completion of the probationary period.

C. The probationary teacher will be provided an opportunity to address the Board in open or closed session and respond to the Superintendent's or designee's recommendation to non-renew.

D. The Board must take action in open session on the recommendation to non-renew the probationary teacher.

E. The probationary teacher must be served with written notice of the Board's action non-renewing the teacher's employment and a copy of the Board action within the tlme frame required by the Teachers' Tenure Act. The non-renewal notice will specify that a probationary teacher has the right to appeal the timeliness or legal effect of a notice of non-renewal. The appeal must be filed with the State Tenure Commission within 20 calendar days after the probationary teacher's receipt of the notice of non-renewal. A copy of the Teachers' Tenure Act should also be included with the notice.

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po3160

PHYSICAL EXAMINATION

3160 - **PHYSICAL EXAMINATION**

The Board of Education or Superintendent reserves the right to require any employee or candidate, after a conditional offer of employment, to submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties. Such examinations shall be done in accordance with the Superintendent's guidelines and/or the terms of the negotiated, collectively- bargained agreements.

All such requests for examination shall include the following notice to the examiner:

> "The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with

Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report of a condition that could influence job performance, the Superintendent shall base a nonemployment recommendation to the Board upon a conference with a physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

The Board shall assume any uninsured fees for required examinations.

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po3161

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

3161 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board of Education to protect students and employees from professional staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a professional staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the professional staff member will be offered the opportunity for a meeting to discuss these issues.

If a professional staff member refuses to attend the meeting, the Board may order the professional staff member to submit to an appropriate examination by a physician designated and compensated by the Board.

All such requests for examination shall include the following notice to the examiner:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II

from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

If, as a result of such examination, the professional staff member is found to be unable to perform assigned duties with or without accommodation, the professional staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year.

Should a professional staff member refuse to submit to the examination requested by the Board and the professional staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the professional staff member to disciplinary action.

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po3170

SUBSTANCE ABUSE

3170 - **SUBSTANCE ABUSE**

The Board of Education recognizes alcoholism and drug abuse as treatable illnesses. When such illnesses impair the performance of professional staff members, the Board recognizes the responsibility to assist in a manner recommended by appropriate specialists in the treatment of those illnesses.

A professional staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to professional staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the professional staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board.

No professional staff member will have his/her job security or promotion opportunities jeopardized by his/her request for counseling or referral assistance.

Professional staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

po3210

STAFF ETHICS

3210 - **STAFF ETHICS**

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Education expects all professional staff members to maintain high standards in their working relationships, and in the performance of their professional duties, to:

A. **Responsibility to the Profession**

1. demonstrate responsibility for oneself as an ethical professional;

2. acknowledge, address and attempt to resolve ethical issues in an appropriate manner;

3. promote and advance the profession within and beyond the school community;

B. **Responsibility to Professional Competence**

1. demonstrate commitment to high standards of practice;

2. demonstrate responsible use of data, materials, research and assessment;

3. act in the best interest of all students;

C. **Responsibility to Students**

1. respect the rights and dignity of students;

2. demonstrate an ethic of care for students;

3. maintain student trust and confidentiality in a developmentally appropriate manner and within appropriate limits;

D. **Responsibility to the School Community**

1. promote effective and appropriate relationships with parents/guardians;

2. promote effective and appropriate relationships with colleagues;

3. promote effective and appropriate relationships with the community and other stakeholders;

4. promote effective and appropriate relationships with employers;

5. understand the problematic nature of dual or multiple relationships;

E. **Responsible and Ethical Use of Technology**

1. use technology in a responsible manner;

2. ensure student safety and well-being when using technology;

3. maintain confidentiality in the use of technology;

4. promote the appropriate use of technology in educational settings;

F. recognize basic dignities of all individuals with whom they interact in the performance of duties;

G. represent accurately their qualifications;

H. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;

I. seek and apply the knowledge and skills appropriate to assigned responsibilities;

J. keep in confidence legally-confidential information as they may secure;

K. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;

L. avoid accepting anything of value offered by another for the purpose of influencing judgment;

M. refrain from using position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. This will not be implemented in a manner that limits constitutionally or legally protected rights as a citizen.

In keeping with the ethical responsibilities of the professional staff, the Board of Education prohibits staff from engaging in a romantic or sexual relationship of any kind with students of this District, regardless of the student's age. Professional staff should not provide alcohol, drugs, cigarettes, or any other contraband to a student.

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po3211

WHISTLEBLOWER PROTECTION

3211 - **WHISTLEBLOWER PROTECTION**

The Board of Education expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative guidelines. The Board encourages and requires staff to report possible violations of these Board expectations. Parents, volunteers, contractors and concerned citizens are encouraged to report possible violations, when done in good faith belief.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

After such a report is made, the employee will be asked to put the report in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee had a good faith belief as to the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for knowingly making a false report under this policy. Employees may also be subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law involving or relating to the business of the District and they do not make a report confirmed in writing to a supervisor in accordance with this policy.

The Superintendent shall develop administrative guidelines necessary for implementation of this policy, including the development of forms upon which such reports may be made.

po3213

STUDENT SUPERVISION AND WELFARE

3213 - **STUDENT SUPERVISION AND WELFARE**

Professional staff members because of their proximity to students are frequently confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the professional staff member. It is the intent of the Board of Education to direct the preparation of guidelines that would minimize that possibility.

The Superintendent shall maintain and enforce the following standards:

A. Each professional staff member shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities.

B. A professional staff member should not volunteer to assume responsibility for duties s/he cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.

C. A professional staff member shall provide proper instruction in the safety matters presented in assigned course guides.

D. Each professional staff member shall immediately report to the principal any accident or safety hazard s/he detects.

E. Each professional staff member shall immediately report to the principal any knowledge of threats of violence by students.

F. A professional staff member shall not send students on any personal errands.

G. A professional staff member shall not associate or fraternize with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.

This provision should not be construed as precluding a professional staff member from associating with students in private for legitimate or proper reasons. However, dating, romantic and/or sexual relationships with students, regardless of their age and regardless of consent are absolutely prohibited, unless the staff member and student are legally married.

H. If a student approaches a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.

I. A professional staff member shall not transport students in a private vehicle without the approval of the principal.

J. A student shall not be required to perform work or services that may be detrimental to his/her health.

K. Staff members shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.

L. Staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school- sponsored publication or production in accordance with Policy 5722.

Most information concerning a child in school other than directory information described in Policy 8330, is confidential under Federal and State laws. Any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Board Policy 8462, each professional staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

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po3214

STAFF GIFTS

3214 - **STAFF GIFTS**

The Board of Education considers the presentation of gifts to professional staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that professional staff members may accept gifts of nominal value from students or parents.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

po3215

USE OF TOBACCO BY PROFESSIONAL STAFF

3215 - **USE OF TOBACCO BY PROFESSIONAL STAFF**

The Board of Education recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser, including the effects of secondhand smoke and vapor/aerosol exposure, and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco products from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco products on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

The Board prohibits the use, consumption, display, activation, promotion, sale, or possession of tobacco product by employees in District buildings, on District property (owned or leased), in District vehicles, and at any District-related event at all times (twenty-four (24) hours a day, seven (7) days a week) within any enclosed facility owned, leased, or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to school grounds, athletic facilities and any school-related event.

For purposes of this policy,

A. “electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device

including, but not limited to, an e-cigarette (including, but not limited to, “JUUL”, “NJOY,” “BREEZE,” “Puff Bar,” etc.), e-cigar, e-pipe, vape pen, or e-hookah;

Electronic smoking device includes any component, part, or accessory of the device and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

B. “off-campus, schools-sponsored event” means any event sponsored by the school or School District that is not on school property including, but not limited to, sporting events, day camps, field trips, dances, or theatrical productions;

C. “employees” means any person employed by Whiteford Agricultural Schools as full-time or part-time, or any position contracted for or otherwise employed, with direct or indirect monetary wages or compensation paid by Whiteford Agricultural Schools, or anyone working on a volunteer basis;

This term includes, but is not limited to, faculty, service personnel, volunteers, chaperones, student teachers, adult classroom or student aides, and other adults working for Whiteford Agricultural Schools.

D. “tobacco product” means 1) any product containing, made of, or derived from tobacco or nicotine (including synthetic nicotine) that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; 2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or 3) any component, part, or accessory of 1) or 2) whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes;

Tobacco product does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

E. "use of a tobacco product" means any of the following:

1. inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation (use of a tobacco product includes using an electronic smoking device);

2. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device;

3. the chewing of a tobacco product;

4. the placing of a tobacco product within a person's mouth.

The Superintendent shall require the posting of signs as required.

Advertising/Promotion

In accordance with Policy 9700.01, tobacco product advertising is prohibited on school grounds, in all school or District-sponsored publications, and at all school or District-sponsored events.

The promotion of tobacco products, including clothing, bags, lighters, gear, technology accessories, signs, structures, vehicles, fliers, other personal articles, or any other product or paraphernalia are not permitted on school grounds, in school vehicles, or at school or District-sponsored events.

No employee on behalf of the District may solicit or accept any contributions, gifts, or money from the tobacco industry - to include, but not be limited to, donations, monies for sponsorships/scholarships, advertising, promotions, loans or support for equipment, uniforms, and sports and/or training facilities.

Enforcement

Employees who violate this policy shall be subject to disciplinary action in accordance with the applicable Collective Bargaining Agreement and/or in accordance with policies of the Board. Employees subject to such action may also be referred for smoking cessation treatment, support, and education services.

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Revised 5/9/11

Revised 12/6/19

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po3216

STAFF DRESS AND GROOMING

3216 - **STAFF DRESS AND GROOMING**

The Board of Education believes that professional staff members set an example in dress and grooming for their students to follow. A professional staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all professional staff members shall:

A. be physically clean, neat, and well-groomed;

B. dress in a manner consistent with their professional responsibilities;

C. dress in a manner that communicates to students a pride in personal appearance;

D. dress in a manner that does not cause damage to District property;

E. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

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po3217

WEAPONS

3217 - **WEAPONS**

The Board of Education prohibits professional staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events,, or in a District vehicle without the permission of the Superintendent.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapons described in 18 U.S.C. 921.

The Superintendent shall refer a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of existing collective bargaining agreements.

Exceptions to this policy include:

A. weapons under the control of law enforcement personnel;

B. items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)

C. theatrical props that do not meet the definition of "weapons" above, used in appropriate settings;

D. starter pistols used in appropriate sporting events.

Staff members shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the building principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

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po3220

PROFESSIONAL STAFF EVALUATION

3220 - **PROFESSIONAL STAFF EVALUATION**

The Board of Education, through the powers derived from the School Code and other relevant statutes, is responsible for the employment and discharge of all personnel. To carry out this responsibility, with involvement of professional staff, the Board delegates to the Superintendent the function of establishing and implementing a rigorous, transparent, and fair performance evaluation system that does at least all of the following:

A. evaluates the employee's job performance in a year-end evaluation, while providing timely and constructive feedback

   Teachers rated highly effective or, as of July 1, 2024, effective on the three (3) most recent consecutive year-end evaluations may be evaluated every other year or, as of July 1, 2024, every third year, at the District's discretion.

B. establishes clear approaches to measuring student growth and provides professional staff with relevant data on student growth

C. evaluates an employee's job performance, using rating categories of highly effective, effective, minimally effective, and ineffective prior to July 1, 2024 and using rating categories of effective, developing, and needing support as of July 1, 2024, which take into account student growth and assessment data or student learning objectives. Before the 2024-2025 school year, forty percent (40%) of the annual year-end evaluation shall be based on student growth and assessment data. Beginning in the 2024-2025 school year, twenty percent (20%) of the year-end evaluation must be based on student growth and assessment data or student learning objectives metrics.

Evaluations must also comply with

1. The portion of a teacher's year-end evaluation that is not based on student growth and assessment data or student learning objective metrics shall be based primarily on a teacher's performance as measured by the District.

2. Prior to July 1, 2024, for core content areas in grades and subjects in which state assessments are administered, fifty percent (50%) of student growth must be measured using the state assessments, and the portion of student growth not measured using state assessments must be measured using multiple research-based growth measures or alternative assessments that are rigorous and comparable across schools within the District. Student growth also may be measured by student learning objectives or nationally normed or locally adopted assessments that are aligned to state standards, or based on achievement of individualized education program goals.

3. Prior to July 1, 2024, the portion of a teacher's evaluation that is not measured using student growth and assessment data or using the evaluation tool developed or adopted by the District shall incorporate criteria enumerated in section M.C.L. 380.1248(1)(b)(i) to (iii) that are not otherwise evaluated under the tool. (See Policy 3131.) After July 1, 2024, the portion of a teacher's evaluation that is not measured using student growth and assessment data or student learning objectives metrics, or using the evaluation tool developed or adopted by the District, must be based on objective criteria.

4. Prior to July 1, 2024, if there are student growth and assessment data available for a teacher for at least three (3) school years, the annual year-end evaluation shall be based on the student growth and assessment data for the most recent three (3) consecutive-school-year period. If there

are no student growth and assessment data available for a teacher for at least three (3) school years, the annual year-end evaluation shall be based on all student growth and assessment data that are available for the teacher.

5. As of July 1, 2024, the following apply: Evaluations and feedback concerning the evaluation must be provided in writing to the teacher; if a written evaluation is not provided, the teacher is deemed effective; if required by circumstances described in M.C.L. 380.1249, a teacher must be designated as unevaluated; and if a teacher receives an unevaluated designation, the teacher's rating from the immediately prior school year must be used.

D. uses the evaluations, at a minimum, to inform decisions regarding all of the following:

1. the effectiveness of employees, so that they are given ample opportunities for improvement

2. prior to July 1, 2024, promotion, retention, and development of employees, including providing relevant coaching, instruction support, or professional development, and after July 1, 2024, development of employees, including providing relevant coaching, instruction support, or professional development

3. prior to July 1, 2024, whether to grant tenure or full certification, or both, to employees, using rigorous standards and streamlined, transparent, and fair procedures

4. prior to July 1, 2024, removing ineffective tenured and untenured employees after they have had ample opportunities to improve, and

providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures

E. provides a mid-year progress report for every teacher who is in the first year of probation or has received a rating of minimally effective or ineffective or, after July 1, 2024, needing support or developing on the most recent year-end evaluation

This mid-year report shall supplement and not replace the annual year-end evaluation. The mid-year report shall:

1. prior to July 1, 2024, be based, at least in part, on student achievement;

2. be aligned with the teacher's individualized development plan;

3. include specific performance goals and any recommended training for the remainder of the school year, as well as written improvement plan developed in consultation with the teacher that incorporates the goals and training.

F. includes classroom observations in accordance with the following:

1. must include review of the lesson plan, State curriculum standards being taught, and student engagement in the lesson and, as of July 1, 2024, the items described in this paragraph must be discussed during a post-observation meeting between the observer and the teacher

2. must include multiple observations unless the teacher has received an effective or higher rating on the last two (2) year-end evaluations

3. observations need not be for an entire class period but, as of July 1, 2024 must not be less than fifteen (15) minutes

4. one (1) observation may be unscheduled;

5. the school administrator responsible for the teacher's performance evaluation shall conduct at least one (1) of the observations;

   Other observations may be conducted by other observers who are trained in the use of the evaluation tool as described below. These other observers may be teacher leaders.

6. the district shall ensure that, within thirty (30) calendar days after each observation, the teacher is provided with written feedback from the observation.

G. For the purposes of conducting annual year-end evaluations under the performance evaluation system, the District will adopt and implement one (1) or more of the evaluation tools for teachers that are included on the list established and maintained by the Michigan Department of Education ("MDE").

   The evaluation tool(s) shall be used consistently among the schools operated by the District so that all similarly situated teachers are evaluated using the same evaluation tool.

H. the District will post on its public website all of the following information about the measures it uses for its performance evaluation system for teachers:

1. The research base for the evaluation framework, instrument, and process or, if the District adapts or modifies an evaluation tool from the MDE list, the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.

2. The identity and qualifications of the author or authors or, if the District adapts or modifies an evaluation tool from the MDE list, the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.

3. Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the District adapts or modifies an evaluation tool from the MDE list, an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.

4. The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.

5. A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.

6. A description of the plan for providing evaluators and observers with training.

I. The District shall also

1. provide training to teachers on the evaluation tool(s) used by the District in its performance evaluation system and how each evaluation tool is used. This training may be provided by a district or consortium consisting of the District, the intermediate school district, or a public school academy.

2. ensure that training is provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the District, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. The District may provide training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

3. by not later than September 1, 2024, and every three (3) years thereafter, each individual who conducts an evaluation shall complete rater reliability training provided by the District that complies with M.C.L. 380.1249.

The staff evaluation program shall aim at the early identification of specific areas in which the individual professional staff member needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to a professional staff member shall not release that professional staff member from the responsibility to improve. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform assigned responsibilities in a satisfactory manner, dismissal or non-renewal procedures may be invoked. A teacher rated as ineffective or, as of July 1, 2024, needing support on three (3) consecutive year-end evaluations must be dismissed from employment as a teacher with the District. In such an instance, all relevant evaluation documents may be used in the proceedings.

Prior to July 1, 2024, if a non-probationary teacher is rated as ineffective on an annual year-end evaluation, the teacher may request a review of the evaluation and the rating by the Superintendent. The request for a review must be submitted in writing within twenty (20) days after the teacher is informed of the rating. Upon receipt of the request, the Superintendent shall review the evaluation and rating and may make any modifications as appropriate based on review. However, the performance evaluation system shall not allow for a review as described in this subdivision more than twice in a three (3) school-year period.

After July 1, 2024, if a teacher is rated as needing support, the teacher must be provided with the options related to review of the evaluation, including a written response, the ability to request mediation, and when appropriate, utilization of the grievance process or binding arbitration as set out in M.C.L. 380.1248.

The District shall not assign a student to be taught in the same subject area for two (2) consecutive years by a teacher who has been rated as ineffective or, after July 1, 2024, as needing support on the teacher's two (2) most recent annual year-end evaluations. If the District is unable to comply with this and plans to assign a student to be taught in the same subject area for two (2) consecutive years by a teacher who has been rated as ineffective or, after July 1, 2024, as needing support on the teacher's two (2) most recent annual year-end evaluations, the Board will notify the student's parent or legal guardian in writing not later than July 15 immediately preceding the beginning of the school year for which the student is assigned to the teacher, that the District is unable to comply and that the student has been assigned to be taught in the same subject area for a second consecutive year by a teacher who has been rated as ineffective or, as of July 1, 2024, as needing support on the teacher's two (2) most recent annual year-end evaluations. The notification shall include an explanation of why the Board is unable to comply. After July 1, 2024, if a teacher requests a review of the teacher's evaluation under the amendments to the statute, the Board must not issue the notification until the review process is complete.

Evaluations shall be conducted of each professional staff member as stipulated in the Teacher Tenure Act, the revised School Code, a negotiated agreement or contract, the Superintendent's administrative guidelines, and as directed by the Michigan Department of Education. A professional staff member shall be given a copy of any

documents relating to the staff member's performance which are to be placed in the personnel file.

This policy shall not deprive a professional staff member of any rights provided by State law or contractual rights consistent with State law.

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Revised 7/11/16
Revised 12/6/19
Revised 2/12/24

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po3231

OUTSIDE ACTIVITIES OF STAFF

3231 - **OUTSIDE ACTIVITIES OF STAFF**

It is the policy of the Board of Education that professional staff members avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations occur, the Superintendent shall evaluate the impact of such activity or association upon the professional staff member's responsibilities and take appropriate action as necessary.

A. Staff members should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.

B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.

C. Staff members shall not engage in business transactions on behalf of personal or private enterprise in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.

D. Staff members shall not campaign on school property during duty hours on behalf of any political issue or candidate for local, State, or National office.

E. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.

F. Staff members may not accept fees for tutoring, private lessons, or other activities related to their professional duties for students currently enrolled in one (1) or more of their classes or on their case load without prior written administrative permission.

Research and Publishing

A. Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.

B. Materials which might be considered for publication and/or production, which identify the District in any manner, shall be cleared with the Superintendent prior to publication and/or production.

C. Publications and productions shall be subject to the following copyright provisions:

1. Rights to copyrights or patents of books, materials, devices, etc. developed by professional staff members on their own time will be relinquished by the Board upon request of the staff member provided that:

    a. the books, materials, devices, etc. were prepared without the use of District data, facilities, and/or equipment;

    b. the District is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;

c. the staff member does not become involved in any way in the selling of the product to the District.

The final decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data, or equipment rests with the Superintendent.

Professional staff members who desire to publish or produce materials on their own time should make such action known to the Superintendent prior to the time such work is started in order that proper procedures can be established to assure that District interests and the interests of the staff member are protected.

2. All books, materials, devices, or products which result from the paid work time and/or prescribed duties of professional staff members shall remain the property of the District. The District shall retain all rights and privileges pertaining to the ownership thereof.

In the event that any of these products have commercial possibilities, the Superintendent is authorized to secure copyrights, patents, etc. which will ensure the ownership of the product by the District.

The Superintendent is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.

po3242

PROFESSIONAL GROWTH REQUIREMENTS

3242 - **PROFESSIONAL GROWTH REQUIREMENTS**

The Board of Education believes that study is a prerequisite for professional growth of staff and, therefore, encourages the participation of professional staff members in in-service and other training programs.

The Superintendent may plan and implement a program of staff development for professional staff members, support staff members, and explore other training programs.

Such staff development programs should be designed to address the professional development needs of staff members who are working at a particular level, involved in a particular course or subject, or need to be prepared for a new assignment.

Whenever feasible, principals should participate with their staff members in order to ensure better follow-up and support.

The Board may reimburse staff members for the costs incurred in participation therein, subject to prior approval of the Superintendent.

During the first three (3) years of teaching, each nontenured professional staff member shall be provided ninety (90) hours of professional development related to his/her Individual Development Plan. The Superintendent shall also arrange for the assignment to each such staff member of one or more mentors who have demonstrated proficiency in the teaching skills established in the staff member's IDP.

The Superintendent shall arrange to provide each member of the teaching staff with at least five (5) days of professional development annually. These days shall be in addition to any of the required fifteen (15) days of professional development provided to non-tenured teachers during their first three (3) years of teaching.

po3243

PROFESSIONAL MEETINGS

3243 - **PROFESSIONAL MEETINGS**

The Board of Education encourages opportunities for professional staff members to develop increased competence beyond that which they may attain through the performance of their assigned duties through attendance at professional meetings.

For purposes of this policy, a professional meeting shall be defined as:

A. any meeting that is related to the activities, duties, or responsibilities of professional staff members as determined by the Superintendent.

B. a meeting through which direct value can be derived for the person in attendance for later use in the performance of District duties.

The Superintendent shall prepare administrative guidelines to implement this policy.

po3310

FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

3310 - **FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS**

The Board of Education acknowledges the right of its professional staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the District, however, the professional staff member's expression must be balanced against the interests of this District.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the professional staff member's expression could conflict with the District's interests. In such situations, s/he should:

A. state clearly that his/her expression represents personal views and not necessarily those of the School District;

B. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;

C. not make threats or abusive or personally-defamatory comments about co-workers, administrators, or officials of the District;

D. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy.

po3362.01

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

3362.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or reasonably cause concern for his/her physical and/or psychological well-being is strictly forbidden. Examples of such behavior include: threats to cause bodily harm; stalking; bullying; threats to damage real or personal property at the workplace; unusual behavior that a reasonable person would consider threatening. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

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po3362.02

WORK PLACE SAFETY

3362.02 - **WORK PLACE SAFETY**

All members of the staff are responsible for maintaining a safe work environment and participating in investigations as necessary. Reasonable action will be taken to ensure that persons involved in an investigation, or in providing information during an investigation do not suffer any form of retaliation, because of their good faith participation. Steps to avoid retaliation may include placing a party to the investigation on administrative leave or other reasonable action. Additional steps may be taken to address workplace safety issues.

It is the Board's desire to create and maintain an environment free from disruptive, threatening, and violent behavior. The Board will not tolerate inappropriate or intimidating behavior within the workplace (see examples below).

PROCEDURE

The Board will respond appropriately to every reported incident of disruptive, threatening, or violent behavior.

A. **Definitions:**

Examples of inappropriate behavior by staff members include but are not limited to:

1. Behavior that distracts, interferes with, or prevents normal work functions or activities. This behavior includes but is not limited to yelling, using profanity or vulgarity, verbally abusing others, making inappropriate demands for time and attention; making unreasonable demands for action (demanding an immediate appointment or a response to a complaint on the spot) or refusing a reasonable request for identification.

2. Behavior that includes physical actions short of actual contact/injury (e.g., moving closer aggressively), oral or written threats to a person or property, whether in person, over the telephone or through other means of communication.

3. Behavior that includes physical assault, with or without weapons behavior that a reasonable person would interpret as being violent, (e.g., throwing things, pounding on a desk or door, or destroying property), and specific threats to inflict physical harm.

4. Behavior(s), which create incidents that, are stressful or traumatic that interferes with an individual's or group of individual's ability to effectively function in his/her educational or work environment.

B. **Reporting:**

When appropriate, complaints under this policy may be reported to the local law enforcement agencies, by the Board's administrative representatives. All reports or complaints under this policy will be investigated and include confidentiality where appropriate. Once an investigation is complete, a recommendation on how to handle the complaint will be submitted to the Superintendent for disposition. Some behaviors may also be prohibited under criminal law, and where appropriate, the Superintendent will report such cases to the proper authorities and shall inform the Board of such report(s).

Counseling for staff may be available through the EAP for both the victim and any others within the School District affected by a violent traumatic incident.

C. **Protective Orders:**

Members of the staff who have obtained a protective order should supply a copy of the order to the Superintendent. Other parties may also be informed when deemed necessary for the safety of the School District personnel.

D. **Discipline/Corrective Steps:**

Staff who violate this policy may be subject to discipline up to and including discharge.

po3370

TENURE

3370 - **TENURE**

Professional staff members covered by the Michigan Teachers' Tenure Act shall acquire tenure in accordance with the Michigan Teacher's Tenure Act (M.C.L. 38.71 et. seq.).

In accordance with the time periods specified in the Act, the Superintendent shall make recommendations to the Board regarding whether probationary employees covered by the Act should be permitted to acquire tenure. These recommendations shall be presented to the Board, by the superintendent.
Administrators shall not be entitled to acquire tenure in administrative positions. Therefore, all contracts of employment with administrators shall contain the following language:

"Tenure in any administrative or nonclassroom position is denied."

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po3419

GROUP HEALTH PLANS

3419 - **GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

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PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

3419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established a Vision Plan for administrators as a self-funded group health plan.

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Superintendent to serve as the Privacy Protection Officer of the group health plans. The Board delegates authority to the Privacy Protection Officer to develop and implement the internal policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Protection Officer is authorized to make necessary amendments to the internal policies and procedures.

The Privacy Protection Officer shall develop administrative guidelines necessary to implement this policy.

The Privacy Protection Officer shall report his/her progress to the Board upon request.

Since the Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule, the Board agrees to indemnify and hold harmless the Privacy Protection Officer for any CMP imposed upon him/her in connection with the performance of his/her duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Protection Officer in the event the CMP was imposed as the result of intentional misconduct or gross negligence by the Privacy Protection Officer.

The Board reserves the right to revoke any or all delegations set forth in this policy at any time for any reason.

po3419.02

PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

3419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Medical Plan

B. Prescription Drug Plan

C. Dental Plan

D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services,

participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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po3419.03

PATIENT PROTECTION AND AFFORDABLE CARE ACT

3419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html

B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

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po3430.01

FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

3430.01 - **FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

In accordance with Federal law, the Board of Education shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible professional staff members for the following reasons:

A-1.

the birth of a child and/or the care of a newborn child within one (1) year of the child's birth

B-1.

the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival

C-1.

the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or

D-1.

the staff member's own serious health condition prevents him/her from performing the functions of his/her position

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2.

A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

B-2.

To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans

of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

Duration of Service Member FMLA

A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.

B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General FMLA Provisions

Professional staff members are "eligible" if they have worked for the Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. Service time may be aggregated when the break in service is less than seven (7) years for military obligation or subject to recall under a collective bargaining agreement. All full-time professional staff members are deemed to meet the 1,250 hour requirement. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period for determining hours worked and use of leave is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

B. continuing treatment by a healthcare provider, including:

1. a period of incapacity of more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the

same condition, that also involves either in person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity absent extenuating circumstances beyond the employee's control, or in person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;

The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.

2. any incapacity due to pregnancy or for prenatal care;

An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.

3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;

5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis);

C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Whenever the leave is foreseeable, the staff member shall provide the Superintendent with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the District, subject to the approval of the healthcare provider.

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation leave, personal leave or family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the birth, adoption or foster care placement of a child, or qualifying exigency for a Service Member Family Leave (see A-1, B-1, and A-2 on page one).

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the staff member’s own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one and B-2 on page two).

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) or twenty-six (26) week period of FMLA leave, any additional weeks of leave to which the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave for a qualifying leave under this policy, such leave will count towards the maximum allowable leave, the paid leave, and FMLA/Service Member Family leave to which the staff member is entitled will run concurrently.

The Superintendent may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for the birth, adoption or foster care placement of a child (see A-1 and B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one). The taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the Superintendent may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that

has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The Superintendent will notify the staff member when the District intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days. In the case of intermittent or reduced-leave schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent does not have sufficient information about the reason for an employee's use of paid leave, the Superintendent may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement.

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child, or twenty-six (26) weeks of FMLA leave for Service Member Leave.

When FMLA leave is taken for the staff member’s own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one), the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member). When the staff member requests qualifying Service Member Leave, s/he must provide certification of a qualifying exigency or of the service member's serious illness. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member may either:

A. submit the completed medical certification to the Superintendent; or

B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide medical certification, any leave taken by the employee will not qualify for FMLA Leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent. The District shall be responsible for maintaining a record of those communications.

The Board reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent; or

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the employee will not qualify for FMLA leave.

A staff member who takes leave for his/her own serious health condition prior to returning to work, must provide the Superintendent with a statement from his/her healthcare provider that s/he is able to resume work.

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program. Special rules under the FMLA may apply for instructional staff.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition of the staff member or of the staff member's immediate family member, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Superintendent shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the District has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent.

Revised 8/10/09
Revised 11/9/09
Revised 1/13/14

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po3437.01

MILITARY LEAVE

3437.01 - **MILITARY LEAVE**

The Board of Education provides military leave, reemployment, and other rights as established by the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and State law. To qualify:

A. the employee (or an appropriate officer in the uniformed service in which the employee's military service is performed) gave advance written or verbal notice of his/her military duty unless excused;

B. the cumulative length of all periods of military service with the employer do not exceed five (5) years, except as provided under State statute;

C. the employee timely reports to work after the period of military service ends;

D. the employee has not separated from service with a disqualifying or other than honorable conditions.

The Superintendent shall post notices of employees' right under USERRA at conspicuous locations within the District.

Employees may contact the U.S. Department of Labor or the Michigan Department of Military and Veteran's Affairs to obtain more information regarding their rights under

these statutes.

This policy is intended to comply with and explain the service person's rights under USERRA and State law. To the extent there is any conflict, the USERRA, State law and their regulations prevail.

po3440

JOB-RELATED EXPENSES

3440 - **JOB-RELATED EXPENSES**

The Board of Education may provide for the payment of the actual and necessary expenses, including traveling expenses, of any professional staff member of the District incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board and in accordance with the Superintendent's administrative guidelines.

The validity of payments for job-related expenses shall be determined by the Superintendent.

The Board may pay the expenses of professional staff members when they attend professional meetings approved in accordance with the policy of this Board and in accordance with the administrative guidelines of the Superintendent.

Whenever a staff member is unable to provide appropriate expense documentation, s/he may not be reimbursed.

po3531

UNAUTHORIZED WORK STOPPAGE

3531 - **UNAUTHORIZED WORK STOPPAGE**

The Board of Education is obligated and committed to provide certain basic services to students participating in District programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.

Recognizing the fact that the District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Professional staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

po4110

CONFLICT OF INTEREST

4110 - **CONFLICT OF INTEREST**

Staff members, officers, and agents shall perform their official duties in a manner free from conflict of interest. To this end:

A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by the District's Board members, employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the District.
To accomplish this, the Board of Education has adopted the following guidelines which apply to all District employees, officers, agents, and Board members to assure that conflicts of interest do not occur. These guidelines are not intended to be all-inclusive, nor to substitute for good judgment on the part of all employees, officers, agents, and Board members.

1. No employee, officer, agent, or Board member shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's, officer's, agent's, or Board member's duties and responsibilities in the school system. When a staff member determines that the possibility of a personal interest conflict exists, the staff member should, prior to the matter being considered by the Board or administration, disclose the staff member's interest (such disclosure shall become a matter of record in the minutes of the Board).

2. No staff member, officer, agent, or Board member shall use their position to benefit either themselves or any other individual or agency apart from the total interest of the District.

3. If the financial interest pertains to a proposed contract with the District, the following requirements must be met.
The staff member, officer, agent, or Board member shall disclose the direct financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If the direct financial interest amounts to $250 or more or five percent (5%) or more of the contract

cost to the District, the staff member, officer, agent, or Board member shall make the disclosure in one (1) of two (2) ways:

a. In writing, to the Board President at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165)

b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member, officer, agent, or Board member must use this method of disclosure if the financial interest amounts to $5,000 or more.

4. Employees, officers, agents, and Board members shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship the employee, officer, agent, or Board member may have with any student, client, or parents of such students or clients in the course of the employee's, officer's, agent's, or Board member's employment or professional relationship with the District.

Included, by way of illustration rather than limitation are the following:

a. the provision of any private lessons or services for a fee

b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's, agent's, or Board member's employment or professional relationship with the District through access to District records

c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals

d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer, agent, or Board member, or any business or professional practitioner with whom any employee, officer, agent, or Board member has a

financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

5. Employees, officers, agents, and Board members shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

B. Should exceptions to this policy be necessary in order to provide services to students or clients of the District, all such exceptions will be made known to the employee's, officer's, or agent's supervisor and will be disclosed to the Superintendent before entering into any private relationship.

C. No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.

Pursuant to Federal rules, the District has set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value not to exceed the amount of the allowable ISD level.

D. If the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the District is unable, or appears to be unable, to be impartial in conducting a procurement action involving a related organization.

E. Employees, officers, agents, and Board members must promptly disclose any potential conflict of interest which may lead to a violation of this policy to the District. Upon discovery of any potential conflict of interest, the District will

disclose, in writing, the potential conflict of interest to the appropriate Federal agency or, if applicable, the pass-through entity.

The District will also promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729–3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity. The District is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200.

F. Employees, officers agents, and Board members found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

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po4111

CREATING A POSITION

4111 - **CREATING A POSITION**

The Board of Education recognizes the need to establish positions which, when filled by competent, qualified support staff, will assist the District in achieving the education goals set by the Board. The District employs only U.S. citizens and others lawfully authorized to work in the United States.

The Superintendent shall verify all new employees' and substitutes' right to work in the United States according to the Federal Immigration Reform and Control Act of 1986.

The Board reserves the right to:

A. create new positions;

B. specify the number of persons within each job category;

C. set the initial salary for a new position.

In the exercise of its authority to create new positions, the Board shall give primary consideration to:

A. the number of students enrolled;

B. the special needs of the District;

C. the special needs of the students;

D. the operational services of the District.

The Board may create a new position or increase the number of support staff in an existing position.

The Board shall, upon the advice of the Superintendent, consider the advisability of creating a new support position or of increasing the number of support staff in an existing position.

po4112

BOARD-STAFF COMMUNICATIONS

4112 - **BOARD-STAFF COMMUNICATIONS**

The Board of Education desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

A. **Staff Communications to the Board**

All communications from staff members to the Board or its committees shall be submitted through the Superintendent. This procedure is not intended to deny any staff member the right to appeal to the Board on important matters through established procedures.

B. **Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's problems, concerns, and actions.

C. **Social Interaction**

Both staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, discussions between staff and Board members of personalities or personnel grievances will be considered to be unethical conduct.

po4120

EMPLOYMENT OF SUPPORT STAFF

4120 - **EMPLOYMENT OF SUPPORT STAFF**

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent support staff.

The Board shall approve the employment, and also, when not covered by the terms of a negotiated, collectively-bargained agreement, fix the compensation, and establish the term of employment for each support staff member employed by this District.

Individuals employed in the following categories shall be considered members of the support staff:

A. Administrative Assistants

B. Custodians

C. Maintenance

D. Paraprofessionals

E. Bus Drivers and Aides

F. Food Service Workers

G. Computer Technicians

All support staff are subject to a criminal history record check. See Policy 4121.

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation. All applications for employment shall be referred to the Superintendent's office.

Relatives of Board members may be employed by the Board, provided the Board member does not participate in any way in the discussion or vote on the employment when conflict of interest is involved.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he would be supervised directly by the relative staff member.

Applications for employment will not be accepted from any current District Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application.

Any support staff member's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

Staff hired to serve as an athletic trainer must be properly licensed by the State or otherwise legally authorized to engage in the practice of athletic training. Staff is prohibited from engaging in the practice of athletic training unless licensed and shall not offer to provide any service(s) that s/he was not qualified to perform by education, training, or experience or otherwise prohibited by law from performing.

Prior to hiring an applicant, the Superintendent shall obtain from the applicant a signed Consent to Obtain Records (Form 4120 F2) and shall obtain from the applicant's current or immediately-previous employer any records, including the applicant's personnel file relating to unprofessional conduct in which the applicant engaged.

Any such records are to be reviewed prior to a recommendation for employment and may be disclosed to those individuals directly involved in evaluating the applicant's qualifications.

The employment of support staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in District operations. Employment shall be recommended to the Board at the next regular meeting.

When appropriate, no candidate for employment as a support staff member shall receive recommendation for such employment without having proffered visual evidence of proper certification, when appropriate, or that application for such certification is in process.

The Superintendent shall prepare procedures for the recruitment and selection of all support staff.

REQUIREMENTS FOR TITLE I PARAPROFESSIONALS

All paraprofessionals hired for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

A. Completed two (2) years study at an institution of higher education; or

B. Obtained at least an associates degree; or

C. Met a rigorous standard of quality and demonstrate through formal State or local academic assessment:

1. knowledge of and the ability to assist in instructing, reading, writing, and mathematics; or

2. knowledge of and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Exceptions – These requirements do not apply to a paraprofessional:

A. who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or

B. whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties – Paraprofessionals working for a Title I supported program may be assigned to:

A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;

B. provide instructional assistance in a computer laboratory;

C. provide instructional support in a library or media center;

D. provide instructional services to students, if working under the direct supervision of a teacher;

E. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.

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EMPLOYMENT OF SUBSTITUTES

4120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Board of Education recognizes its responsibility to procure the services of substitute support staff in order to prevent the interruption of the operation of the schools.

This policy is not intended to change or alter the terms of the collective bargaining agreement between the Board and a labor organization unless contrary to state or federal law.

Substitute personnel are subject to a criminal history record check. See Policy 4121.

The names of potential substitute personnel and the positions in which they may substitute shall be maintained by the Superintendent's Office.

Relatives of Board members may be employed by the Board, provided a member of the Board does not participate in any way in the discussion or vote on the employment when conflict of interest is involved.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he is supervised directly by the relative staff member.

The employment of substitute support staff prior to approval by the Board is authorized when their employment is required to maintain continuity of services in the District.

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po4120.09

VOLUNTEERS

4120.09 - **VOLUNTEERS**

The Board of Education recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the support staff responsible for the conduct of those programs and activities.

The Superintendent shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. S/He shall not be obligated to make use of volunteers whose abilities are not in accord with District needs.

Any volunteer who works with or has access to students shall be screened through the Internet sites for the Sex Offenders Registry (SOR) list, the Internet Criminal History Access Tool (ICHAT) criminal history records check and the Offender Tracking Information System (OTIS) prior to being allowed to participate in any activity or program.

The Superintendent is to inform each volunteer that s/he:

A. shall agree to abide by all Board policies and District guidelines while on duty as a volunteer including signing, if appropriate, the District's Network and Internet Access Agreement Forms;

B. will be covered under the District's liability policy but the District cannot provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers compensation;

C. will be asked to sign a form releasing the District of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services.

The Superintendent shall also ensure that each volunteer is properly informed of the District's appreciation for his/her time and efforts in assisting the operation of the schools.

po4120.10

JOB SHARING

4120.10 - **JOB SHARING**

The Board of Directors recognizes the value to the School to obtain the services of quality staff members who may not be available on a full-time basis but wish to offer their knowledge and skills part-time through a job-sharing process.

The School will consider job share requests only if the cost (including benefits) of employing two (2) staff members on a half-time basis does not exceed the cost of employing one full-time staff member.

Half-time positions may be approved in which two (2) currently employed staff members will be allowed to share one (1) full-time position. Each staff member will be given credit for one (1) full year of seniority for this half-time job assignment.

The Board authorizes the School Leader to create a job-sharing program provided it does not adversely affect the School or any of its current staff members.

po4121

CRIMINAL HISTORY RECORD CHECK

4121 - **CRIMINAL HISTORY RECORD CHECK**

Before the District hires any employee (full or part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"Under contract" shall apply to individuals, as well as owners and employees of entities, who contract directly with the District or with a third-party vendor, management company, or similar contracting entity, to provide food, custodial, transportation, counseling or administrative services on more than an intermittent or sporadic basis. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the District, the District shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the District or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the District prior the individual commencing work.

Such Private Contractor(s) cannot receive or retain criminal history record information ("CHRI").[1] Where the District will contract with a Private Contractor for the services of an individual, the District will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the District. The District may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the District should use the Affidavit of Assignment or similar "red light/green light" procedure.

Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

A. the record check has been requested;

B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and

C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

Such an inquiry shall also be made for regular substitutes who may be employed by the District. A substitute support staff person shall be required to submit to a criminal history records check if they work on a regular and consistent basis, even if such work is only as needed.

Individuals working in multiple districts may authorize the release of a prior criminal history records check with another district in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a school district, intermediate school district, public school academy or non-public school within the State, with no separation, may have their previous record check sent to the District in lieu of submitting to a new criminal background check. If this method is used, the Superintendent must confirm that the record belongs to that individual and whether

there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay off or leave of absence of less than twelve (12) months with the same employer; or the employee transfers without a break in service to another school district, intermediate school district, public school academy or non-public school within the State.

All CHRI received from the State Police or produced by the State Police and received by the District from another proper source, will be maintained pursuant to Policy 8321.

When the District receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any felony unless both the Superintendent and the Board provide written approval.

The District must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the District with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the State Police. In addition, the Superintendent shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must submit, at no expense to the District, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Confidentiality

All information and records obtained from such inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to CHRI by the Superintendent. Violation of confidentiality is considered a misdemeanor punishable by a fine up to $10,000.

Any notification received from the Michigan Department of Education or Michigan State Police regarding District employees with criminal convictions shall be exempt from disclosure under the Freedom of Information Act (FOIA) for the first fifteen (15) days until the accuracy of the information can be verified. Thereafter, only information about felony convictions or misdemeanor convictions involving physical or sexual abuse may be disclosed in reference to a FOIA request.

CHRI may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school academy or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

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[1] Individuals who submit and receive such criminal history record checks on behalf of the District must be direct employees of the District. Notwithstanding this, Information Technology contractors and vendors may be granted access to CHRI subject to successful completion of a national fingerprint-based criminal history record check as detailed in Policy 8321.

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po4121.01

CRIMINAL CONVICTION REVIEW

4121.01 - **CRIMINAL CONVICTION REVIEW**

In an effort to maintain a safe environment for students, staff and visitors, the District will review the criminal records of those individuals who apply to or work for the District or are contracted to work on a regular and continuous basis in the schools.

Individuals convicted of crimes listed in Section 2 of the Sex Offender Registry Act, M.C.L.A. 28.722, shall not be allowed to work in the schools or in the District.

Individuals convicted of a felony not listed in the Sex Offender Registry Act may not continue to work in the District, unless or until they have received written approval from both the Superintendent and the Board of Education. Pending such approval employees shall be placed on administrative leave. Such leave shall be with pay.

Individuals convicted of a misdemeanor related to sexual abuse, child abuse or controlled substances shall require the written approval of the Superintendent and the Board to continue employment.

All other criminal convictions shall require the written approval from the Superintendent to obtain or maintain employment in the District.

Except for felony convictions, the Superintendent shall determine whether the individual will be allowed to work pending review of the criminal convictions and a determination of whether the individual should be allowed to work in the District.

The Superintendent shall suspend consideration of any applicant and shall determine whether an employee or person contracted to work in the District will be allowed to work while felony charges are pending against the individual.

In making the determination regarding whether to hire an applicant or allow an individual to continue working with pending felony charges or after a conviction, the Superintendent and the Board will consider the following factors:

A. the nature of the offense does relate or is related to children, sex, drugs, or violence, etc.

B. how long ago did the incident occur

C. were there repeated incidents

D. nature of assignment in District (access to children, role model, etc.)

E. whether any treatment or other rehabilitation has occurred

F. the nature of the employee's work record since offense (likelihood of repeated misbehavior)

Neither the Board nor the Superintendent shall consider criminal charges that did not result in conviction, or pending misdemeanor charges in determining whether to hire

or continue the employment of any individual.

In making recommendations to the Board on whether to allow individuals with convictions or pending felony charges to work in the District, the Superintendent shall provide written reasons supporting the recommendation.

The Board shall provide written reasons supporting its determination on whether to allow an individual with a conviction to work in the District.

The Superintendent shall be responsible for processing the necessary review of criminal convictions, and providing the Board timely notice of its need to act in accordance with this policy.

po4122

NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

4122 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

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

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all District operations and this policy applies to Prohibited Conduct occurring within or as a part of the District's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct with ongoing remedies as reasonably necessary to restore or preserve access to the District’s education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the below-described grievance procedures.

B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.

C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more employees, and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws. Ordinary teasing, horseplay, arguments, and peer conflict do not constitute bullying for purposes

of this policy.

Complainant means: an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or a person, other than an employee, who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Prohibited Conduct.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., days that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refer to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

Genetic information means: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical

research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person’s disability and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual’s particular disability. It also includes harassment based on traits or characteristics linked to an individual’s disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated.

Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of

a person of any gender against a person of the same or another gender.

1. Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching; and obscene gestures

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

    c. Rape, sexual assault, or other acts of sexual violence.

    d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature placed in the work environment; asking or telling about sexual fantasies, sexual

preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment, or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space

Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It further 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.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. ”Pregnancy” and “childbirth” refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. “Related medical conditions” are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of

Federal and/or State civil rights laws.

Relevant means: related to the allegations of Prohibited Conduct under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

Remedies means: measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that Prohibited Conduct occurred.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

School District community means: students and Board employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Supportive measures means: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the complainant or the respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the District's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings; training related to Prohibited Conduct, referral to Employee Assistance Program, and other similar measures.

Third Parties means: guests and/or visitors on District property (e.g., visiting speakers,

participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the District undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in

protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with GINA, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The District Compliance Officer (see below) shall be responsible for overseeing the District's compliance with applicable Federal regulations and promptly dealing with any inquiries or complaints. The District Compliance Officer or designee shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the Americans with Disabilities Act ("ADA") or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not

provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

District Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "District Compliance Officer(s)" or "CO(s)"):

Director of Human Resources
6655 Consear Rd., Ottawa Lake, MI 49267
734-856-1443

The contact information concerning the District Compliance Officer(s) will be published on the School District's website and annually in parent/student and staff handbooks.

The District Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the CO(s) shall report directly to the Board's Legal Counsel until the matter in which the Superintendent is a party is concluded.

Questions about this policy should be directed to the District Compliance Officer(s).

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Copies of the laws and regulations listed above are available upon request from the CO(s).

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the District community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the District’s education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of nondiscrimination on the District’s website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons

listed above, or which are otherwise used in connection with the recruitment of employees.

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours).

All Board employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Board employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Board employee must notify the/a CO within two (2) days of learning the information or receiving the report.The Board employee must also comply with mandatory reporting responsibilities pursuant to Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Board employee's attention, and the reporting individual submitted a written notification/report or complaint to the Board employee, the Board employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Superintendent or another Board employee who, in turn, will notify the Superintendent of the report/complaint. The Superintendent will then serve in place of the CO for purposes of addressing that report of Prohibited Conduct.

When a Board employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly (i.e., within two (2) days of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported 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 complaint, and explain to the complainant the process for filing a complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or other individuals who are participating or attempting to participate in the District's education programs or activities (i.e., members of the School District community and Third Parties), or by the CO alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievances procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the District investigate and determine whether Prohibited Conduct occurred:

A. a "complainant," which includes:

1. an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or

2. a person other than an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a time when that individual was participating or attempting to participate in the District's education programs or activities;

B. an authorized legal representative with the legal right to act on behalf of a complainant;

C. the District Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the District; or

B. any person other than an employee who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

The District may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the District's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Michigan Department

of Civil Rights, at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The District will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the District Compliance Officer, the investigator, the decisionmaker, the appeal decisionmaker, and the facilitator of the informal resolution process, shall be free from any conflicts of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The CO may serve simultaneously as an investigator and/or a decisionmaker.

If the CO does not intend to serve as the investigator/decisionmaker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decisionmaker in a specific case, the CO shall, in consultation with and approval of the Superintendent or Board President (as appropriate), secure one (1) or more independent third parties to serve as the investigator and/or decisionmaker.

The District presumes that the respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. **Evaluation** – The District Compliance Officer will determine whether to dismiss a complaint or investigate it within ten (10) days of receiving the complaint.

B. **Investigation** – The CO, or designated investigator/decisionmaker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant

and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within twenty (20) days of the CO determining the charges require investigation.

If, however, the CO, or designated investigator/decisionmaker, determines that the investigation is going to take longer, the CO will so notify the parties and the Superintendent and will thereafter keep the parties and the Superintendentinformed of the status of the matter on a regular basis.

C. **Appeal –** A party filing an appeal of the CO's decision to dismiss a complaint, or the Determination,must do so within three (3)days of receiving the Dismissalor Determination

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The District will take reasonable steps to protect the privacy of the parties and witnesses. These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decisionmaker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible — including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily waived the privilege or confidentiality; and

B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the District Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures and informal resolution process associated with claims involving Prohibited Conduct;

B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and

C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a complaint of Prohibited Conduct if:

A. the District is unable to identify the respondent after taking reasonable steps to do so;

B. the respondent is not participating in the District's education program or activity and is not employed by the Board;

C. the complainant voluntarily withdraws any or all the allegations in the complaint, the CO declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Prohibited Conduct even if proven; or

D. the District determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the complaint, the CO will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the CO will promptly notify, in writing, the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the respondent of the dismissal and the basis for the dismissal.

The CO will further notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the CO will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

B. implement appeal procedures equally for the parties;

C. ensure that the appeal decisionmaker did not take part in the original dismissal of the complaint;

D. ensure that the appeal decisionmaker has been trained consistent with this Policy

E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

F. notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the complainant as appropriate;

B. if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the District's education programs or activities.

Informal Resolution Process:

In lieu of resolving a complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The District will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the District decides to investigate additional allegations of Prohibited Conduct by the respondent toward the complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different complaint involving the same respondent, the CO will notify the parties of the additional allegations.

Investigation:

The District will provide for an adequate, reliable, and impartial investigation of complaints.

The burden is on the District — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decisionmaker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The CO, or the designated investigator/decisionmaker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decisionmaker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence

for its persuasiveness. If the decisionmaker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that Prohibited Conduct occurred.

B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination

C. Not impose discipline on a respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in Prohibited Conduct.

D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:

1. coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education programs or activities limited or denied by the Prohibited Conduct;

2. coordinate the imposition of any disciplinary sanctions on a respondent; and

3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the District's education programs or activities.

E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.

F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

Appeal of Determinations:

If a party disagrees with the decisionmaker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within five (5) days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decisionmaker, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

The CO will designate an appeal decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained

The CO has authority, in consultation with and approval of the Superintendent or Board President (as appropriate), to secure an independent Third Party to serve as the appeal decisionmaker.

In designating an appeal decisionmaker, the CO will work with the Board to identify and appoint an independent Third Party to serve as the appeal decisionmaker – this individual shall be considered to be the Board's designee and will submit the appeal

decision to the Board who will promptly adopt it as written and forward it to the CO who will send it simultaneously to the parties.

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;

B. implement appeal procedures equally for the parties;

C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;

D. provide the appeal decisionmaker with the relevant and not otherwise impermissible evidence and the Determination; and

E. notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal or Determination

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have five (5) days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have ten (10) days to issue a decision on the appeal.

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe in detail the evidence, including how and when it was discovered/obtained, and explain why it was

not reasonably available during the Investigation (i.e., prior to the Determination). If the appeal decisionmaker accepts the proffered explanation, the appeal decisionmaker should remand the case back to the investigator/decisionmaker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decisionmaker.

The appeal decisionmaker shall determine the outcome of the appeal based on the appeal decisionmaker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence and the written determination) and the appeal decisionmaker's application of the law and Board policy to the facts in the record. The appeal decisionmaker must give due deference and due weight to the decisionmaker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record read in its entirety compels a contrary conclusion. Generally, the appeal decisionmaker is expected to uphold the original Determination unless the appeal decisionmaker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decisionmaker shall submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO, who will send it simultaneously to the parties. The appeal decision shall set forth the result of the appeal and the appeal decisionmaker's rationale for the outcome.

The appeal decisionmaker's Board's decision shall be final.

Supportive Measures:

The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the District's provision of support measures does not require the District, Board employees, or any other person authorized to provide aid, benefit, or service on the District's behalf to alter the alleged discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis.

Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include, but are not limited to: modifications of work schedules, mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain work settings; training related to Prohibited Conduct; referral to Employee Assistance Program;and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the District's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The District will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the District may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The District will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the District's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the District may impose disciplinary sanctions, which may include:

A. oral or written warning;

B. written reprimands;

C. required training or education;

D. suspension with pay;

E. suspension without pay;

F. termination; and

G. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The District may also provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Michigan Constitution, Federal or State law, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a code of conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a complaint or information reported about possible Prohibited Conduct, for the purpose of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a complaint or participating in an investigation is a serious violation of this policy that can result in the

imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The District shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination that Prohibited Conduct occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. The District will keep confidential the identity of any individual who has made a complaint of Prohibited Conduct, any complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District’s obligation to maintain confidentiality shall not impair or otherwise affect the complainant’s and respondent’s receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the respondent must be provided the complainant's identity.

During an investigation, the CO or designated investigator/decisionmaker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to other members of the School District Community or Third Parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment.

Training

All employees, investigators, decisionmakers, facilitators of informal resolution process, the District Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Training materials will be made available for inspection upon request by members of the public.

Recordkeeping (including retention of investigatory records and materials)

The District Compliance Officer(s) is/are responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for the period set forth below, unless required to be maintained for a longer period pursuant to the District's records retention schedule.

The District shall maintain for a period of seven (7) calendar years the following records:

A. for each complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed and the resulting outcome;

B. for each notification that the District Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the District took to implement this policy; and

C. all materials used to provide the training referenced above

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

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including, but not limited to, District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of District Compliance Officer, investigator, decisionmaker, appeal decisionmaker,

and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Board employee under this policy including, but not limited to, the functions assigned to the District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific complainant and/or respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible that unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Revised 11/8/10

Revised 1/14/13

Revised 9/11/14

T.C. 8/14/17

Revised 12/10/18

Revised 4/12/21

T.C. 7/1/22

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po4122.01

DRUG-FREE WORKPLACE

4122.01 - **DRUG-FREE WORKPLACE**

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia, by any member of the District's support staff at any time while on District property or while involved in any District- related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of collective bargaining agreements.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement.

po4123

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

4123 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based upon the employee's or applicant's disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one (1) or more major life activities. Major life activities are functions such as caring for one's self, 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.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

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

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual 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 required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)").

Director of Human Resources
(734) 856-1443 x 111
6655 Consear Rd.
Ottawa Lake, MI 49267

The names, titles, and contact information of these individuals will be published annually on the School District's website.

The District Compliance Officer(s) are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be published on the District's website and posted throughout the District, and included in the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that they have been discriminated against on the basis of 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.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

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 with a District Compliance Officer within the time limits specified below. The District's Compliance Officer is available to assist individuals in filing a complaint.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e, a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. 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. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the District Compliance Officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the District

Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the District Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the District Compliance Officer for good cause.

C. The District Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). 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. The District Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The District Compliance Officer shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render a decision within ten (10) days of the hearing.

E. The employee may be represented, at the employee's own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that they have been subjected to discrimination based upon disability in violation of Section 504 or the 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
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012
TDD: 800-877-8339
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because

that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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po4130

ASSIGNMENT AND TRANSFER

4130 - **ASSIGNMENT AND TRANSFER**

The Board of Education believes that the careful placement of support staff within the District is vital to the utilization of qualified and competent support staff for the successful functioning of the District.

Responsibility for the assignment and transfer of support staff members shall be vested in the Superintendent.

po4139

STAFF DISCIPLINE

4139 - **STAFF DISCIPLINE**

Whenever it becomes necessary to discipline a member of the staff, the Board of Education directs the Superintendent to utilize the procedures set out below and any related procedures described in the current negotiated agreement, if applicable.

The Superintendent or his/her designee shall conduct an investigation of any alleged act or omission that could lead to disciplinary action, as appropriate to the situation. The investigation shall include, at a minimum, providing the employee with reasonable notice and the opportunity to respond to the complaint. If the investigation includes a meeting with the employee, prior notice of this meeting shall be provided to the employee for any discipline that may result in a suspension or loss of pay. The meeting shall not proceed without the employee's designated representative; however, the meeting shall not be unduly delayed to secure the attendance of the preferred representative. The District may substitute another representative from the union to timely process the investigation.

Discipline may include, but is not limited to:

A. written warning;

B. written reprimand;

C. suspension (paid or unpaid);

D. discharge;

E. financial penalty in accordance with Michigan law.

The District does not have to apply discipline in a progressive manner, but, rather, may impose discipline consistent with the seriousness of the staff member's conduct, as determined by the District.

The Board requires that before a suspension or termination is invoked the Superintendent contact the school attorney.

The Board requires that all disciplinary actions involving loss of pay, suspension or termination be submitted to the Board for review as soon as possible after the action has been taken.

The Superintendent should ascertain whether or not the staff member wishes such a report to be made in a closed session of the Board, if a closed session is permitted by the Open Meetings Act.

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po4140

TERMINATION AND RESIGNATION

4140 - **TERMINATION AND RESIGNATION**

TERMINATION

Employment contracts may be suspended or terminated upon a majority vote of the Board of Education. In such cases, the Board shall abide by due process and such terms as may be set forth in a negotiated, collectively-bargained agreement.

Employees and those under contract to work regularly and continuously in the schools, whether part-time or full-time, may not continue employment with the Board if a criminal history records check or other authoritative source reveals a conviction of a "listed" offense under M.C.L.A. 28.722.

Individuals convicted of a non-listed felony may not continue to work unless both the Superintendent and the Board give written approval. Such conviction(s) may subject support staff to discharge ( ) or demotion. The State Board of Education will be notified of the report of conviction(s) as required by law.

RESIGNATION

A support staff member may resign by filing a written resignation with the Superintendent at least thirty (30) days prior to the effective date of the resignation.

A resignation, once accepted by the Board, may not then be rescinded.

The Superintendent may act for the Board in the acceptance of a resignation.

po4160

PHYSICAL EXAMINATION

4160 - **PHYSICAL EXAMINATION**

The Board of Education or Superintendent reserves the right to require any employee or candidate, after a conditional offer of employment, to submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties. Such examinations shall be done in accordance with the Superintendent's guidelines and/or the terms of currently-valid, negotiated, collectively-bargained agreements.

All such requests shall include the following notice to the examiner:

> "The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

A required examination may also include a physician's survey, as permitted and defined under State law, for bus drivers with diabetes.

Examinations requested after the initial post-offer/pre-hire phase shall be based on a reasonable basis to believe that the employee has a condition which impairs his/her ability to perform the essential functions of the job. The medical results delivered to the District shall be confined to the particular condition which triggered the referral.

Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report of a condition that could influence job performance, the Superintendent shall base a nonemployment recommendation to the Board upon a conference with a physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

The Board shall assume any uninsured fees for required examinations.

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po4161

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

4161 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board of Education to protect students and employees from support staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a support staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the support staff member will be offered the opportunity for a meeting to discuss these issues.

If a support staff member refuses to attend the meeting, the Board may order the support staff member to submit to an appropriate examination by a physician designated and compensated by the Board.

All such requests for examination shall include the following notice to the examiner:

> "The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an

individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

If, as a result of such examination, the support staff member is found to be unable to perform assigned duties with or without accommodation, the support staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year.

Should a support staff member refuse to submit to the examination requested by the Board and the support staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the support staff member to disciplinary action.

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po4162

CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS

4162 - **CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS**

Purpose

The Board of Education believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with District vehicles (collectively "Covered Employees"), must be mentally and physically alert at all times while on duty.

To that end, the Board has established this policy, which includes an alcohol and controlled substances testing program. The Board also expects all Covered Employees to comply with Board Policy 4122.01 on Drug-Free Workplace, which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the Board concurs with the Federal requirement that all Covered Employees should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all Covered Employees.

Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

B. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and/or local laws and regulations.

C. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.

D. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.

E. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of District-owned and/or operated vehicles. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

F. The term Covered Employee means all commercial driver license (CDL) holders and regular and substitute bus drivers, as well as other staff who operate, inspect, service, and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.

This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles.

G. The term *while on duty* means all time from the time the Covered Employee begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

Procedures

The Superintendent shall establish a drug and alcohol testing program whereby each Covered Employee is tested for the presence of alcohol in his/ her system as well as for the presence of the following controlled substances:

A. Marijuana

B. Cocaine

C. Opioid

D. Amphetamines

E. Phencyclidine (PCP)

The alcohol and controlled substances tests are to be conducted in accordance with Federal and State regulations a.) prior to employment **(Controlled Substances Only)**, b.) reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation, d.) post-accident, e.) on a random basis, and f.) on a follow-up basis.

The Superintendent shall require that the District query the FMCSA's Drug and Alcohol Clearinghouse for current and prospective CDL drivers' drug and alcohol violations before allowing a driver to operate a District-owned and/or operated vehicle, consistent with Federal regulations, including consent requirements.

Any staff member who tests positive as defined in the guidelines shall be immediately prohibited from driving any District-owned and/or operated vehicle or conducting a safety-sensitive function:

A. and evaluated by a substance abuse professional;

B. and provided information regarding drug/alcohol counseling, or referred to the District's Employee Assistance Program;

C. and subject to discipline, up to and including discharge, in accordance with District guidelines and the terms of any applicable collective bargaining agreements.

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety-sensitive position without having been evaluated by a qualified substance abuse professional (SAP), completing any required treatment program, and passing a retest. Return to a safety-sensitive position is solely at the District’s discretion,

and the employee may be required to participate in ongoing services if recommended by the SAP. Any staff member who has tested positive for alcohol or a controlled substance will be provided with a list of SAPs available and acceptable to the District.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then the test will be considered positive and the employee shall be prohibited from performing any safety-sensitive functions and be referred to the District's Employee Assistance Program.

Any staff member who refuses to submit to a test shall immediately be prohibited from performing or continuing to perform safety-sensitive functions (e.g., driving any Board-owned vehicle).

Prior to the beginning of the testing program, the District shall provide a drug-free awareness program which will inform Covered Employees and their supervisors about:

A. the dangers of illegal drug use and controlled substance and alcohol abuse;

B. indicators of probable alcohol misuse and controlled substance abuse;

C. Board Policy 4122.01 - Drug-Free Workplace, Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;

D. the sanctions that may be imposed for violations of Policy 4122.01.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. Requests for a "split specimen" must be made within seventy-two (72) hours of receipt of the notification of a positive drug test. The Board will not pay for the employee's time while not on duty if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under Federal law (i.e., test results shall be provided on a right-to-know basis - the employee, the employer, and the substance abuse professional - and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will be promptly provided copies of any records relating to the individual's use of drugs and alcohol, including any records pertaining to the individual's drug and alcohol tests. A tested individual must provide specific written consent before the individual's test result can be provided to any other person except as required by law.

All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified.

The alcohol and drug testing program shall be under the direction of the Superintendent.

The Superintendent shall arrange for periodic retraining of supervisors and staff members as necessary. The Superintendent shall provide a copy of this policy and testing guidelines to all Covered Employees and will include available resources to

assist employees with problems related to the use of alcohol and controlled substances.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

A. testing of all first and second test urine samples

B. clear and consistent communication with the District's Medical Review Officer (MRO)

C. methodology and procedures for conducting random tests for controlled substances and alcohol

D. preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.

Notification

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion, and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made 1) by the end of the business day following the day the individual first receives notice of the violation or 2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

Reporting Test Results

The Superintendent shall report all information required by Federal regulations to the Clearinghouse in a timely manner. The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

Educational Materials Related to Certain Federal Regulations, Board Policies, and Procedures

CDL License Holders and other employees who perform safety-sensitive functions will be provided educational materials at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Board's policies and District's procedures with respect to meeting these Federal regulations. The Board designates the Director of Transportation as the individual responsible for providing educational materials to CDL License Holders and other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

A. the contact information for the Director of Transportation, who is the individual designated by the Board to answer questions about the educational materials;

B. a statement that all CDL License Holders and other employees who perform safety-sensitive functions are subject to Federal law addressing the misuse of alcohol and other controlled substances;

C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations;

D. information concerning prohibited conduct;

E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances;

F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations;

G. the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations;

H. an explanation of what constitutes a refusal to be tested or alcohol or controlled substances and the attendant consequences;

I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment;

J. the consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04;

K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol and/or controlled substances problem (the employee's or a co-worker's); and available methods of intervening when a controlled substances and/or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management);

L. information regarding the requirement that certain personal information collected and maintained under Federal law be reported to the Commercial Driver’s License Drug and Alcohol Clearinghouse; and

M. information indicating that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, including alcohol, is prohibited on all school board property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance.

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of these materials. A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each employee (and a labor organization representing Board employees) shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering employee questions about the materials.

Return-to-Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy must complete the Return-to-Duty ("RTD") process as required by the U.S. Department of Transportation ("DOT") regulations and their Federal Motor Carrier Safety Act ("FMCSA") Drug and Alcohol Clearinghouse status must be changed from “prohibited” to “not prohibited” before resuming safety-sensitive duties. The RTD process requires an evaluation by a qualified Substance Abuse Professional ("SAP"), successful compliance with the SAP’s prescribed education and/or treatment program, and a follow-up evaluation by the SAP determining that the employee has complied with the program. The employee must then complete a DOT return-to-duty test and obtain a verified negative drug test result and/or an alcohol test result of less than 0.02 before being permitted to return to the performance of safety-sensitive functions.

In addition, employees must comply with the SAP’s written follow-up testing plan, which will be administered by the District in accordance with DOT regulations. An employee who fails to comply with the follow-up testing plan will not be permitted to perform safety-sensitive duties.

Subject to any collective bargaining agreement or other legal requirements, employees who are otherwise eligible to resume safety-sensitive functions may not do so without the Superintendent's approval.

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po4170

SUBSTANCE ABUSE

4170 - **SUBSTANCE ABUSE**

The Board of Education recognizes alcoholism and drug abuse as treatable illnesses. When such illnesses impair the performance of support staff members, the Board recognizes the responsibility to assist in a manner recommended by an appropriate specialist in the treatment of those illnesses.

A support staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to support staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the support staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board.

If a support staff member voluntarily requests counseling or assistance before the Board learns of the support staff member's substance abuse problem (through a positive test result or otherwise), the support staff member's job security or promotion opportunities will not be jeopardized by his/her request for counseling or referral assistance. A support staff member may not avoid the consequences of a positive test by requesting counseling or assistance for a substance abuse problem after being instructed to submit to a drug test.

Support staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

po4211

WHISTLEBLOWER PROTECTION

4211 - **WHISTLEBLOWER PROTECTION**

The Board of Education expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative guidelines. The Board encourages and requires staff to report possible violations of these Board expectations. Parents, volunteers, contractors and concerned citizens are encouraged to report possible violations, when done in good faith belief.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

After such a report is made, the employee will be asked to put the report in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee had a good faith belief as to the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for knowingly making a false report under this policy. Employees may also be subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law involving or relating to the business of the District and they do not make a report confirmed in writing to a supervisor in accordance with this policy.

The Superintendent shall develop administrative guidelines necessary for implementation of this policy, including the development of forms upon which such reports may be made.

po4213

STUDENT SUPERVISION AND WELFARE

4213 - **STUDENT SUPERVISION AND WELFARE**

Support staff members may be confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the staff member.

The Superintendent shall maintain and enforce the following standards:

A. Each support staff member shall report immediately to the principal any accident or safety hazard s/he detects.

B. Each support staff member shall immediately report to the principal any knowledge of threats of violence by students.

C. A support staff member shall not send students on any personal errands.

D. A support staff member shall not associate or fraternize with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.

This provision should not be construed as precluding a support staff member from associating with students in private for legitimate or proper reasons. However, dating, romantic and/or sexual relationships with students, regardless of their age and regardless of consent are absolutely prohibited, unless the staff member and student are legally married.

E. A support staff member shall not transport students in a private vehicle without the approval of the principal.

F. A student shall not be required to perform work or services that may be detrimental to his/her health.

G. Staff members shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co- curricular/extracurricular events or activities with prior approval of the principal.

H. Staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made as part of a pre-approved curricular matter or co- curricular/extracurricular event or activity such as a school-sponsored publication or production in accordance with Policy 5722.

Most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

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po4214

STAFF GIFTS

4214 - **STAFF GIFTS**

The Board of Education considers the presentation of gifts to support staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that support staff members may accept gifts of nominal value from students or parents.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

po4215

USE OF TOBACCO BY SUPPORT STAFF

4215 - **USE OF TOBACCO BY SUPPORT STAFF**

The Board of Education recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser, including the effects of secondhand smoke and vapor/aerosol exposure, and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco products from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco products on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

The Board prohibits the use consumption, display, activation, promotion, sale, or possession of tobacco product by employees in District buildings, on District property (owned or leased), in District vehicles, and at any District-related event at all times (twenty-four (24) hours a day, seven (7) days a week) within any enclosed facility owned, leased, or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to school grounds, athletic facilities and any school-related event.

For purposes of this policy:

A. “electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device

including, but not limited to, an e-cigarette (including, but not limited to, “JUUL”, “NJOY,” “BREEZE,” “Puff Bar,” etc.), e-cigar, e-pipe, vape pen, or e-hookah;

Electronic smoking device includes any component, part, or accessory of the device and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

B. “off-campus, schools-sponsored event” means any event sponsored by the school or School District that is not on school property including, but not limited to, sporting events, day camps, field trips, dances, or theatrical productions;

C. “employees” means any person employed by Whiteford Agricultural Schools as full-time or part-time, or any position contracted for or otherwise employed, with direct or indirect monetary wages or compensation paid by Whiteford Agricultural Schools, or anyone working on a volunteer basis;

This term includes, but is not limited to, faculty, service personnel, volunteers, chaperones, student teachers, adult classroom or student aides, and other adults working for Whiteford Agricultural Schools.

D. “tobacco product” means 1) any product containing, made of, or derived from tobacco or nicotine (including synthetic nicotine) that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; 2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or 3) any component, part, or accessory of 1) or 2) whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes;

Tobacco product does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

E. "use of a tobacco product" means any of the following:

1. inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation (use of a tobacco product includes using an electronic smoking device);

2. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device;

3. the chewing of a tobacco product;

4. the placing of a tobacco product within a person's mouth.

The Superintendent shall require the posting of signs as required.

Advertising/Promotion

In accordance with Policy 9700.01, tobacco product advertising is prohibited on school grounds, in all school or District-sponsored publications, and at all school or District-sponsored events.

The promotion of tobacco products, including clothing, bags, lighters, gear, technology accessories, signs, structures, vehicles, fliers, other personal articles, or any other

product or paraphernalia are not permitted on school grounds, in school vehicles, or at school or District-sponsored events.

No employee on behalf of the District may solicit or accept any contributions, gifts, or money from the tobacco industry - to include, but not be limited to, donations, monies for sponsorships/scholarships, advertising, promotions, loans or support for equipment, uniforms, and sports and/or training facilities.

Enforcement

Employees who violate this policy shall be subject to disciplinary action in accordance with the applicable Collective Bargaining Agreement and/or in accordance with policies of the Board. Employees subject to such action may also be referred for smoking cessation treatment, support, and education services.

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po4216

SUPPORT STAFF DRESS AND GROOMING

4216 - **SUPPORT STAFF DRESS AND GROOMING**

The Board of Education believes that support staff members are an important and integral part of the District. Also, since support staff is highly-visible staff to the students, professional staff, and public, the Board believes the support staff should at all times be well dressed and groomed. Support staff members who understand this precept and adhere to it enlarge the importance of their task, present an image of dignity, and encourage respect.

The Board retains the authority to specify the following dress and grooming guidelines for support staff. When assigned to District duty, all support staff members shall:

A. be physically clean, neat, and well-groomed;

B. dress in a manner consistent with their support responsibilities;

C. dress in a manner that communicates to others a pride in personal appearance;

D. dress in a manner that does not cause damage to District property;

E. be groomed in such a way that their dress or hairstyle does not disrupt the educational process or cause a health or safety hazard.

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po4217

WEAPONS

4217 - **WEAPONS**

The Board of Education prohibits support staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events, or in a District vehicle without the permission of the Superintendent.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapon described in 18 U.S.C. 921.

The Superintendent shall refer a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of existing collective bargaining agreements.

Exceptions to this policy include:

A. weapons under the control of law enforcement personnel;

B. items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)

C. theatrical props that do not meet the definition of "weapons" above, used in appropriate settings;

D. starter pistols used in appropriate sporting events.

Staff members shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the building principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

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po4220

EVALUATION OF SUPPORT STAFF

4220 - **EVALUATION OF SUPPORT STAFF**

The Board of Education recognizes the importance of implementing a program of support staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for support staff are to:

A. improve and reinforce the skills, attitudes, and abilities which enable a support staff member to be effective in achieving assigned job goals;

B. identify and remediate weaknesses which prevent a support staff member from achieving the goals of assigned duties.

The Superintendent shall prepare administrative guidelines for the conduct of support staff member evaluations.

po4231

OUTSIDE ACTIVITIES OF SUPPORT STAFF

4231 - **OUTSIDE ACTIVITIES OF SUPPORT STAFF**

It is the policy of the Board of Education that support staff members avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations occur, the Superintendent shall evaluate the impact of such activity or association upon the support staff member's responsibilities and take appropriate action as necessary.

A. Employees should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.

B. Employees shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.

C. Employees shall not engage in business transactions on behalf of personal or private enterprise in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.

D. Employees shall not campaign on school property during duty hours on behalf of any political issue or candidate for local, State, or National office.

po4310

FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

4310 - **FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS**

The Board of Education acknowledges the right of its support staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the District, however, the support staff member's expression must be balanced against the interests of this District.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the support staff member's expression could conflict with the District's interests. In such situations, s/he should:

A. state clearly that his/her expression represents personal views and not necessarily those of the School District;

B. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;

C. not make threats or abusive or personally defamatory comments about co-workers, administrators, or officials of the District;

D. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy.

po4362.01

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

4362.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or reasonably cause concern for his/her physical and/or psychological well-being is strictly forbidden. Examples of such behavior include: threats to cause bodily harm; stalking; bullying; threats to damage real or personal property at the workplace; unusual behavior that a reasonable person would consider threatening. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

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po4362.02

WORK PLACE SAFETY

4362.02 - **WORK PLACE SAFETY**

All members of the staff are responsible for maintaining a safe work environment and participating in investigations as necessary. Reasonable action will be taken to ensure that persons involved in an investigation, or in providing information during an investigation do not suffer any form of retaliation, because of their good faith participation. Steps to avoid retaliation may include placing a party to the investigation on administrative leave or other reasonable action. Additional steps may be taken to address workplace safety issues.

It is the Board's desire to create and maintain an environment free from disruptive, threatening, and violent behavior. The Board will not tolerate inappropriate or intimidating behavior within the workplace (see examples below).

PROCEDURE

The Board will respond appropriately to every reported incident of disruptive, threatening, or violent behavior.

A. **Definitions:**

Examples of inappropriate behavior by staff members include but are not limited to:

1. Behavior that distracts, interferes with, or prevents normal work functions or activities. This behavior includes but is not limited to yelling, using profanity or vulgarity, verbally abusing others, making inappropriate demands for time and attention; making unreasonable demands for action (demanding an immediate appointment or a response to a complaint on the spot) or refusing a reasonable request for identification.

2. Behavior that includes physical actions short of actual contact/injury (e.g., moving closer aggressively), oral or written threats to a person or property, whether in person, over the telephone or through other means of communication.

3. Behavior that includes physical assault, with or without weapons behavior that a reasonable person would interpret as being violent, (e.g., throwing things, pounding on a desk or door, or destroying property), and specific threats to inflict physical harm.

4. Behavior(s), which create incidents that, are stressful or traumatic that interferes with an individual's or group of individual's ability to effectively function in his/her educational or work environment.

B. **Reporting:**

When appropriate, complaints under this policy may be reported to the local law enforcement agencies, by the Board's administrative representatives. All reports or complaints under this policy will be investigated and include confidentiality where appropriate. Once an investigation is complete, a recommendation on how to handle the complaint will be submitted to the Superintendent for disposition. Some behaviors may also be prohibited under criminal law, and where appropriate, the Superintendent will report such cases to the proper authorities and shall inform the Board of such report(s).

Counseling for staff may be available through the EAP for both the victim and any others within the School District affected by a violent traumatic incident.

C. **Protective Orders:**

Members of the staff who have obtained a protective order should supply a copy of the order to the Superintendent. Other parties may also be informed when deemed necessary for the safety of the School District personnel.

D. **Discipline/Corrective Steps:**

Staff who violate this policy may be subject to discipline up to and including discharge.

po4419

GROUP HEALTH PLANS

4419 - **GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

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PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

4419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established self-funded group Vision Plan for eligible employees.

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Superintendent to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans. The Security Official shall conduct a risk analysis and to develop and implement internal policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Privacy Official and/or Security Official shall report his/her progress to the Board.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

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PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

4419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Medical Plan

B. Prescription Drug Plan

C. Dental Plan

D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services,

participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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po4419.03

PATIENT PROTECTION AND AFFORDABLE CARE ACT

4419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html

B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

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FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

4430.01 - **FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

In accordance with Federal law, the Board of Education shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible support staff members for the following reasons:

A-1.

the birth of a child and/or the care of a newborn child within one (1) year of the child's birth

B-1.

the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival

C-1.

the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or

D-1.

the staff member's own serious health condition prevents him/her from performing the functions of his/her position

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2.

A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

B-2.

To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans

of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

Duration of Service Member FMLA

A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.

B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one (1) time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General FMLA Provisions

Staff members are "eligible" if they have worked for the Board for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. Service time may be aggregated when the break in service is less than seven (7) years for military obligation or subject to recall under a collective bargaining agreement. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period for determining hours worked and use of leave is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

B. continuing treatment by a healthcare provider, including:

1. a period of incapacity of more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either in person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity absent extenuating circumstances beyond the employee's control, or in person treatment by a healthcare provider on at

least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;

The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.

2. any incapacity due to pregnancy or for prenatal care;

An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.

3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;

5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis);

C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine

dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Whenever the leave is foreseeable, the staff member shall provide the Superintendent with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the District, subject to the approval of the healthcare provider.

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation leave, personal leave or family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the birth, adoption or foster care placement of a child, or qualifying exigency for a Service Member Family Leave (see A-1, B-1, and A-2 on page one).

The Board shall require the staff member to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one and B-2 on page two).

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) or twenty-six (26) week period of FMLA leave, any additional weeks of leave to which the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave for a qualifying leave under this policy, such leave will count

towards the maximum allowable leave, the paid leave, and FMLA/Service Member Family leave to which the staff member is entitled will run concurrently.

The Superintendent may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for the birth, adoption or foster care placement of a child (see A-1 and B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one). The taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the Superintendent may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties.

The Superintendent will notify the staff member when the District intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days. In the case of intermittent or reduced-leave schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent does not have sufficient information about the reason for an employee's use of paid leave, the Superintendent may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement.

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health

condition of either spouse or a child, or twenty-six (26) weeks of FMLA leave for Service Member Leave.

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one), the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member). When the staff member requests qualifying Service Member Leave, s/he must provide certification of a qualifying exigency or of the service member's serious illness. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member may either:

A. submit the completed medical certification to the Superintendent or his/her designee; or

B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide medical certification, any leave taken by the employee will not qualify for FMLA Leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent. The District shall be responsible for maintaining a record of those communications.

The Board reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent; or

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the employee will not qualify for FMLA leave.

A staff member who takes leave for his/her own serious health condition prior to returning to work, must provide the Superintendent with a statement from his/her healthcare provider that s/he is able to resume work.

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been

continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition of the staff member or of the staff member's immediate family member, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Superintendent shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations

shall also be provided each time an employee requests FMLA leave or the District has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent.

Revised 8/10/09
Revised 11/9/09
Revised 1/13/14

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po4437.01

MILITARY LEAVE

4437.01 - **MILITARY LEAVE**

The Board of Education provides military leave, reemployment, and other rights as established by the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and State law. To qualify:

A. the employee (or an appropriate officer in the uniformed service in which the employee's military service is performed) gave advance written or verbal notice of his/her military duty unless excused;

B. the cumulative length of all periods of military service with the employer do not exceed five (5) years, except as provided under State or Federal statute;

C. the employee timely reports to work after the period of military service ends;

D. the employee has not separated from service with a disqualifying or other than honorable conditions.

The Superintendent shall post notices of employees' right under USERRA at conspicuous locations within the District.

Employees may contact the U.S. Department of Labor or the Michigan Department of Military and Veteran's Affairs to obtain more information regarding their rights under

these statutes.

This policy is intended to comply with and explain the service person's rights under USERRA and State law. To the extent there is any conflict, the USERRA, State law and their regulations prevail.

po4440

JOB-RELATED EXPENSES

4440 - **JOB-RELATED EXPENSES**

The Board of Education may provide for the payment of the actual and necessary expenses, including traveling expenses, of any support staff member of the District incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board and in accordance with the Superintendent's administrative guidelines.

The Superintendent shall prepare administrative guidelines to implement this policy.

po4531

UNAUTHORIZED WORK STOPPAGE

4531 - **UNAUTHORIZED WORK STOPPAGE**

The Board of Education is obligated and committed to provide certain basic services to students residing in the School District under its jurisdiction and as contracted. Therefore, if the schools are open and students are in attendance, those basic services will be provided.

Recognizing the fact that a District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Support staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

po5111

ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

5111 - **ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS**

The Board of Education establishes the following policy for determining eligibility to attend the schools of this District.

A. The Board will educate, tuition-free, students who are legal residents of the District, regardless of their citizenship or immigration status. The Board shall meaningfully communicate material information about enrollment requirements and procedures with parents, including parents who have limited proficiency in English. Access to information regarding enrollment requirements and procedures shall be available on the District's web site. Proof of residency will be required for registration in the District. Legal residency means a student is residing with his/her parents, legal guardians, or a resident relative with legal responsibility for the student.. A student may attend school in this District tuition free if a parent or legal guardian is a legal resident of the District, regardless of whether the parent or legal guardian has actual custody of the student. Legal residency, when living with a relative, must be based on the need for a suitable home and not for educational purposes.

If the student temporarily resides in another school district but attends school in this District (where one (1) parent resides), it is the obligation of the parents to provide transportation for the student from the home of the nonresident, custodial parent.

B. The District shall provide a free education to those students who are considered by Federal law to be illegal aliens or considered to be homeless by State established criteria.

C. A student who is resident within the District by order of a juvenile or probate court or placed in the District as a ward of the State by an authorized agency shall be admitted tuition free.

D. Any student who enrolls in the District under the schools of choice program.

E. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition free, without regard to residency, to a school within the District, as selected by the State Department of Human Services or the child placing agency responsible for placement of that child.

F. Students whose parents do not reside within the District but who present evidence that they will move into the District within a short period of time may enroll in the schools of this District as tuition students for the time not in residence.

G. Twelfth grade students who have begun their work toward graduation from the District's high school and whose parents no longer reside within the District may be permitted to complete their high school education as tuition students.

H. A resident student, otherwise eligible to attend school in the District, may be denied admission if s/he has a record of behavior that the Superintendent believes would constitute a threat to the safety and well- being of staff and other students.

I. A nonresident student placed with the District for educational reasons by a juvenile or probate court order shall be admitted tuition free.

J. A student who is the child of a person who is employed by the District, including an adopted child or legal ward.

Revised 11/8/10

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po5111.01

HOMELESS STUDENTS

5111.01 - **HOMELESS STUDENTS**

Definitions

Students who are identified as meeting the federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the District. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The District shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The District shall regularly review and revise its policies, including school discipline policies that may impact homeless students, including those who may be a member of any of the Protected Classes (Policy 2260).

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

A. share the housing of other persons due to loss of housing, economic hardship or similar reason

B. live in motels, hotels, trailer parks or camping grounds due to a lack of alternative adequate accommodations

C. live in emergency or transitional shelters

D. are abandoned in hospitals

E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

F. live in a car, park, public space, abandoned building, substandard housing[1], bus or train station or similar setting

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian.

Services to Homeless Children and Youth

The District will provide services to homeless students that are comparable to other students in the District, including:

A. transportation services;

B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:

1. programs for children with disabilities;

2. programs for English Learners (ELs) (i.e., students with Limited English Proficiency (LEP);

3. programs in career and technical education;

4. programs for gifted and talented students;

5. school nutrition programs; and

6. before - and after-school programs.

The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and District personnel responsible for the provision of education and related services to homeless children and youths. For more information on the role of the Liaison, refer to AG 5111.01.

School Stability

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the District must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The District must:

A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or

B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

When determining a child or youth's best interest, the District must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if s/he is an unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

When determining the student's best interest, the District must also consider student-centered factors, including the impact of mobility on achievement, education, health and safety of homeless students and give priority to the request of the student's parent, or youth (if an unaccompanied youth). The District also considers the school placement of siblings when making this determination.

If the District finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, the District must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

Immediate Enrollment

The District has an obligation to remove barriers to the enrollment and retention of homeless students. A school chosen on the basis of a best interest determination must immediately enroll the homeless student, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate or previous academic records. The homeless student must also be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness or has outstanding fines or fees.

The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian or unaccompanied youth to the local liaison, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or district. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be taken into account in order to facilitate immediate enrollment.

In addition, the District will also make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available). Additionally, the District should consider giving homeless children and youths priority if there is a waitlist for these schools, programs, and activities.

Transportation

The District provides homeless students with transportation services that are comparable to those available to non-homeless students. The District also provides or

arranges for transportation to and from the school of origin at the parent or guardian's request, or the liaison's request in the case of an unaccompanied youth. Transportation is arranged promptly to allow for immediate enrollment and will not create barriers to a homeless student's attendance, retention, and success.

A. If the homeless student continues to live in the District where the school of origin is located, transportation will be provided or arranged for the student's transportation to or from the school of origin.

B. If the homeless student moves to an area served by another district, though continuing his/her education at the school of origin (which is in the District), the District and the district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the districts cannot agree upon such a method, the responsibility and costs will be shared equally.

C. When the student obtains permanent housing, transportation shall be provided to and from the school of origin until the end of the school year.

The District determines the mode of transportation in consultation with the parent or guardian and based on the best interest of the student.

In accordance with Federal law, the above transportation requirements still apply during the resolution of any dispute. The District will work with the State to resolve transportation disputes with other districts. If the disputing district is in another State, the District will turn to the State for assistance as Federal guidance says that both States should try to arrange an agreement for the districts.

Dispute Resolution

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the District must follow its dispute resolution procedures, consistent with the State's procedures. If such a dispute occurs, the District will immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which they are eligible until all disputes and appeals are resolved.

Pursuant to State, District and Board of Education policies, the District will provide the parent, guardian or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the school, District, or State, along with a written explanation of appeal rights.

The District's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including 1) a description of the proposed or refused action by the school, 2) an explanation of why the action is proposed or refused, 3) a description of other options the school considered and why those options were rejected, 4) a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources, and 5) an appropriate timeline to ensure deadlines are not missed. The District must also include contact information for the Liaison and the State Coordinator, and a brief description of their roles. The District will also refer the parent, guardian or unaccompanied youth to the Liaison, who will carry out the dispute resolution process.

The District ensures that all decisions and notices are drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities. For children and youth and/or parents or guardians who are English learners or whose dominate language is not English, the District will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to federal laws. The District will also provide electronic notices via email if the parent,

guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

Homeless Children in Preschool

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs, including Head Start programs, administered by the District. Additionally, the homeless child must remain in the public preschool of origin unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the District takes into account the same factors as it does for any student, regardless of age. It also considers preschool age specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental and social-emotional needs; and 3) travel time to and from school.

The District must also provide transportation services to the school of origin for a homeless child attending preschool. It is the District's responsibility to provide the child with transportation to the school of origin even if the homeless preschooler who is enrolled in a public preschool in the District moves to another district that does not provide widely available or universal preschool.

Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the District shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the District shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries in a manner and form understandable to the parents and guardians and unaccompanied youths.

Records

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The District shall incorporate practices to protect student privacy as described in AG 5111.01, AG 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

Note:

[1] According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see ED guidance for factors to consider when determining whether a child or youth is living in "substandard housing."

Education for Homeless Children and Youth Programs, Non-Regulatory Guidance, U.S. Department of Education (ED), Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act, at A-3 (July 27, 2016).

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po5111.02

EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

5111.02 - **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

Children of an active duty member of the United States armed services shall be entitled to all of the rights and protections afforded under the Interstate Compact on Educational Opportunity for Military Children (Compact).

The intent of this policy is to minimize the potential challenges to educational success for children of military families because of frequent moves and deployment of their parents by:

A. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities;

B. facilitating the on-time graduation of children of military families; and

C. providing for the uniform collection and sharing of information between and among schools and military families.

The Superintendent shall maintain guidelines for implementation of this policy which are consistent with the Compact and State law.

The guidelines shall apply to children of military families within the state as well as between member states.

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CHILDREN AND YOUTH IN FOSTER CARE

5111.03 - **CHILDREN AND YOUTH IN FOSTER CARE**

The Board of Education recognizes the importance of educational stability for children and youth in foster care. Further, the Board recognizes these children and youth as a vulnerable subgroup of students in need of safeguards and supports in order to facilitate a successful transition through elementary and secondary education and into college and/or careers. To that end, the District will collaborate with the Michigan Department of Education (MDE), other schools and school districts, and the appropriate child welfare agencies to provide educational stability for children and youth in foster care.

Definitions

Children who meet the Federal definition of "in foster care" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the District. To that end, students in foster care will not be stigmatized or segregated on the basis of their status. The District shall establish safeguards that protect foster care students from discrimination on the basis of their foster care status or other of the recognized Protected Classes (Policy 2260). The District shall regularly review and revise its policies, including school discipline policies that may impact students in foster care.

Consistent with the Fostering Connections Act, "foster care" means twenty-four (24) hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in:

A. foster family homes;

B. foster homes of relatives;

C. group homes;

D. emergency shelters;

E. residential facilities;

F. child care institutions; and

G. preadoptive homes.

A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made. (45 C.F.R. 1355.20 (a)).

School Stability

The District shall remove barriers to the enrollment and retention of children and youth in foster care in schools in the District. Foster care students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records and other documentation.

The District shall meet the Title I requirements for educational stability for children and youth in foster care, including those awaiting foster care placement. The District shall identify which students are in foster care and shall collaborate with State and tribal child welfare agencies to provide educational stability for these children and youth. District staff will work closely with child welfare agency personnel to develop and implement processes and procedures that include these enrollment safeguards:

A. a child/youth in foster care shall remain in his/her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;

B. if it is not in the child's best interest to stay in his/her school of origin, the child shall be immediately enrolled in the determined new school even if the child is unable to produce records normally required for enrollment; and

C. the new (enrolling) school shall immediately contact the school of origin to obtain relevant academic and other records, including the student's Individualized Education Program (IEP) if applicable. (ESEA Section 1111(g)(1)(E)(i)-(iii))

School of Origin

The school of origin is the school in which a student is enrolled at the time of placement in foster care. If a student's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change. A student in foster care shall remain in his/her school of origin, if it is determined to be in the student's best interest, for the duration of the student's placement in foster care.

When a student exits foster care, the District will continue to prioritize the student's educational stability in determining placement, supports and services deemed to be in the child's best interests.

A student who has exited foster care shall be permitted to remain in the school of origin until the end of the school year.

Best Interest Determination

In making the best interest determination, the District will follow the guidelines established by MDE and the State or tribal custodial agencies. The District shall utilize the prescribed process in conjunction with local custodial agencies in making best interest determinations, and shall make such determination within five (5) school days of the child's placement in foster care or change in child's living arrangement. Once a determination is made the District shall provide the decision in writing to all relevant parties, in collaboration with the appropriate custodial agency. When making decisions regarding educational placement of students with disabilities under IDEA and Section 504, the District shall provide all required special educational and related services and supports provided in the least restrictive placement where the child's unique needs, as described in the student's IEP or Section 504 plan, can be met.

If there is a dispute regarding whether the educational placement of a child in foster care is in the best interest of that child, the dispute resolution process established by the MDE shall be used.

The District's representatives shall collaborate fully in this process, considering relevant information regarding academic programming and related service needs of the child, and advocating for what the District believes is in the best interest of the child.

To the extent feasible and appropriate, the child will remain in his/her school of origin while disputes are being resolved in order to minimize disruption and reduce the possible number of moves between schools. (ESEA Section 1111(g)(1)(E)(i))

Since the custodial agency holds ultimate legal responsibility for making the best interest determination for the foster child in their care, if the dispute cannot be resolved, the custodial agency will make the final determination. Such final determination will be made within five (5) school days of the child's placement in foster care or change in the child's living arrangement.

All notifications and reports regarding foster care placement, changes in school enrollment, transportation services and changes in the child's living arrangements shall be provided to the affected parties, in writing, in accordance with the forms, procedures and requirements of the MDE and the State or tribal custodial agencies.

Local Point of Contact

The Superintendent shall designate and make public a local point of contact who will perform the duties as assigned by the Superintendent. The point of contact shall serve as a liaison to coordinate with child protection agencies, lead the development of a process for making the best determination for a student, facilitate the transfer of records and oversee the enrollment and regular school attendance of students in foster care.

Records

The District shall provide privacy protections for children and families and shall facilitate appropriate data sharing pertaining to children in foster care between child welfare and educational agencies, in accordance with the Family Educational Rights and Privacy Act (FERPA) and Policy 8330 – Student Records.

Services to Children and Youth in Foster Care

Foster care children and their families shall be provided equal access to the educational services for which they are eligible comparable to other students in the District including:

A. educational services for which the student in foster care meets eligibility criteria including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs, educational programs for children with disabilities and educational programs for students with limited English proficiency;

B. preschool programs;

C. programs in vocational and technical education;

D. programs for gifted and talented students;

E. school nutrition programs; and

F. before - and after-school programs.

Transportation Services

The District must ensure that transportation is provided for children in foster care consistent with the procedures developed by the District in collaboration with the State or local child welfare agency. These requirements apply whether or not the LEA already provides transportation for children who are not in foster care.

In order for a student in foster care in his/her school of origin, when in his/her best interest, transportation services shall be provided, arranged and funded for the duration of the child's placement in foster care. The District's transportation services will provide that:

A. Children in foster care needing transportation to their schools of origin will promptly receive that transportation in a cost effective manner and in accordance with Section 475(4)(A) of the Social Security Act; and

B. If there are additional costs incurred in providing transportation to the school of origin, the District shall provide such transportation if 1) the local child welfare agency agrees to reimburse the District for the cost of such transportation; 2) the District agrees to pay for the cost; or 3) the District and the local child welfare agency agree to share the cost. (ESEA 1112(c)(5)(B)).

Additional costs incurred in providing transportation to the school of origin should reflect the difference between what the District would otherwise spend to transport a student to his/her assigned school and the cost of transporting the foster care student to the school of origin. The District will collaborate with the State Education Agency (SEA), other LEAs, and child welfare agencies to pursue possible funding sources and arrangements to deal with transportation costs.

Since foster care placements may occur across district, county or State boundary lines, coordination among multiple agencies may be necessary. The District will work with appropriate State and local agencies to address such placement and transportation

issues that arise. The District shall provide or arrange for adequate and appropriate transportation to and from the school of origin while any disputes are being resolved.

No Board policy, administrative procedure or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance or school success of children and youth in foster care.

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po5112

ENTRANCE AGE

5112 - **ENTRANCE AGE**

The Board of Education shall establish student entrance age requirements which are consistent with Michigan Law and sound educational practices which ensure equitable treatment.

A child who turns six (6) years of age before December 1st must be enrolled on the first school day of the school year in which the child's sixth birthday occurs, and a child who turns six (6) years of age on or after December 1st must be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

A. **Prekindergarten**

A child is eligible for entrance into the District's prekindergarten program if s/he attains the age of four (4) on or before December 1st of the year in which s/he applies for entrance and has not yet attained the age at which s/he will be admitted to kindergarten. Children attending prekindergarten shall be charged tuition in accordance with Board policy.

B. **Kindergarten**

A child who is resident of the District and at least five (5) years of age on or before September 1st, of the school year of enrollment is eligible for entrance to

the kindergarten program for that school year. The child may not be placed in an alternative program without permission of the parent.

C. **Early Entrance**

A child who is a resident, or is eligible to enroll and be counted in membership under the State school of choice provisions (M.C.L. 388.1705 & 1705c), but not yet five (5) years of age on or before September 1st for the applicable school year will be admitted to kindergarten under the following circumstances:

1. the child will have attained the age of five (5) by December 1st of the school year of enrollment; and

2. the parent or guardian provides written notice to the District of intent to enroll the child for that school year.

The District may make a recommendation to the parent or guardian that the child is not ready to start kindergarten due to age or other factors, but the decision whether to enroll the child will remain with the parent or guardian.

The District must allow early entry by nonresident Schools of Choice students, provided the parent/guardian notifies the District by the applicable notification date above (C. 2.) of the intent to participate in the early enrollment option and timely applies for and is selected under the District's Schools of Choice program.

The District shall notify the Department of Education by December 31st of each school year of the number of students enrolled under the Early Entrance exception for that school year.

D. **Preschool Children with Disabilities**

Compensatory education programs may be provided for children with disabilities of preschool age, if they have been certified in accordance with the rules of the State and are not part of a district's special education program.

All such program must comply with any applicable State and Federal requirements, such as least restrictive environment.

E. **Preschool - Disadvantaged Children**

Readiness and compensatory education programs may be provided for disadvantaged children of preschool age, if they have been certified in accordance with the rules and requirements of the State, such as the Great Start Readiness Program.

All such programs must comply with any applicable State and Federal requirements.

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po5113

SCHOOLS OF CHOICE PROGRAM (Inter-District)

5113 - **SCHOOLS OF CHOICE PROGRAM (Inter-District)**

The Board of Education has determined that it will allow nonresident students, residing within the Monroe ISD, but whose parent(s) does not reside in the District, and who qualify, to enroll in the District through a Schools of Choice program during the forthcoming school year.

The Board shall review this decision annually based on information provided by the Superintendent concerning the availability of space in each of the district's schools and programs. The board shall determine and publish whether or not it will accept applications for enrollment by new constituent district students, contiguous district students, or tuition students pursuant to the school of choice windows recommended by the Michigan Department of Education.

Any constituent or contiguous district students who were enrolled during the previous school year or semester under a Schools of Choice program will be permitted to enroll for the next school year.

DEFINITIONS

The following definitions will apply to the District's Schools of Choice program.

A. **Constituent District**

A school district located within the Monroe ISD.

B. **Home District**

A nonresident student's district of residence within the ISD.

C. **Constituent-District Student**

A student who is a legal resident or otherwise legally entitled to attend school in another school district within the ISD who does not have a parent residing in the District and who seeks admission to this District under Schools of Choice.

D. **Program Size**

The enrollment or size restrictions in a specific program, course, class or building. The District reserves the exclusive right to establish program size and to limit enrollment based upon the capability to properly allocate available resources, create and maintain a proper learning environment, and comply with contracts, grants and applicable laws and regulations.

E. **Resident Student**

A student who is a legal resident of this District and is consequently entitled to attend school in this District in accordance with Policy 5111 - Eligibility of Resident/Nonresident Students.

F. **Tuition Student**

A student who resides outside the Intermediate School District and has enrolled or seeks to enroll in this District upon payment of the established tuition fee.

ENROLLMENT OF NONRESIDENT STUDENTS

Students who have been enrolled in the District through a Schools of Choice Program during the previous semester or school year may continue their enrollment through graduation provided they maintain continuous enrollment and are not expelled for disciplinary reasons.

If the number of applications for admission from nonresident students exceeds the number of available enrollment opportunities, enrollment priority shall be given to a sibling of a nonresident student already admitted under this program.

Nonresident students shall be selected for remaining vacancies using a random selection process.

Tuition students shall be included in the determination of class and program size prior to accepting new constituent district students.

Enrollment is not available to any nonresident student who has been suspended within the preceding two (2) years or ever been expelled.

The District's Policy 2260 - Equal Educational Opportunity shall apply to all applicants under this program. In addition, the District will not discriminate on the basis of an applicant's intellectual, academic, artistic, athletic, or other ability, talent, or accomplishment, or based on a mental or physical disability.

The Superintendent shall be responsible for developing and promulgating administrative guidelines to implement this policy. Such guidelines shall address at least the following matters:

A. Communication with the parents of nonresident students seeking admission (or the student, if legally emancipated) concerning the timelines and other requirements for application as well as a statement of nondiscrimination (See Policy 2260 - Access to Equal Educational Opportunity).

B. Participation in interscholastic athletics.

C. District transportation services.

D. Pre-requisites and other eligibility standards associated with courses of study.

E. Transfer of academic credit.

F. Assignment within the District.

G. Admission of special-education students.

H. Payment of fees and other charges.

Before a contiguous district student who is eligible for special education programs and services will be accepted, there must be a separate written agreement between the district of residence and the accepting district specifying the responsibility for paying the added costs of the special education programs and services.

RELEASE OF RESIDENT STUDENTS

The Superintendent shall ensure that the records of a resident student who transfers to another district are sent promptly to the other district.

po5113.02

SCHOOL CHOICE OPTIONS PROVIDED BY FEDERAL LAW

5113.02 - **SCHOOL CHOICE OPTIONS PROVIDED BY FEDERAL LAW**

The Board of Education acknowledges that the Federal Elementary and Secondary Education Act (ESEA), as amended, provides that the parents/guardians of students enrolled in a Title I school that has been listed for "School Improvement" for two (2) or more years, have the right to transfer their children to another school in the District, provided there is a school that provides instruction at the students' grade level(s) and such school has not been identified as being in the process of school improvement, corrective action, or restructuring. If there is not a qualifying school in the District, the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts if the parent/guardian requests a transfer. The Superintendent shall also offer Supplemental Educational Services (SES) if a transfer within the District is not possible.

Students attending a "persistently dangerous" school, as defined by State law have the right to transfer to another "safe" school in the District. If there is not another "safe" school in the District providing instruction at the students' grade level(s), the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts if the parent/guardian requests a transfer.

Furthermore, a student who is a victim of a "violent crime" on school property also has the right to transfer to another school. If there is not another school in the District providing instruction at the student's grade level, the Superintendent shall contact neighboring districts and request that they permit that student to transfer to a school in one of those districts providing instruction at the student's grade level if the parent/guardian requests a transfer.

The Board authorizes such transfers in accordance with AG 5113.02.

Children who transfer within the District in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.

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po5114

FOREIGN AND FOREIGN-EXCHANGE STUDENTS

5114 - **FOREIGN AND FOREIGN-EXCHANGE STUDENTS**

The Board of Education recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having exchange visitor students as members of the student body of this District's high school(s).

Exchange Visitor Program (EVP) for Nonimmigrant Students with J-1 Visas

The Board authorizes the Superintendent to consider a request to admit an exchange visitor student who meets the United States Department of State (USDOS) requirements and applies for admission through a sponsoring organization, and determine whether or not that student should be accepted.

In accordance with Federal law, an exchange visitor student will be selected and sponsored by an organization that has been approved by the USDOS. The Board, pursuant to Federal law, requires the sponsoring agency to secure prior written acceptance of the Superintendent for the placement of an exchange visitor student in the District high school.

Foreign-Exchange Students

Whiteford High School will accept students from sponsoring programs that are listed in the most current CSIET Advisory List. Whiteford High School refers to the Model School Policy on International Student Exchange provided by the council on standards for International Education Travel as a guideline for procedures and expectations. Foreign-

exchange students will be enrolled as 10th grade students and are not eligible to receive a Whiteford High School diploma. Additional criteria will be discussed upon acceptance of the foreign-exchange student.

After written acceptance of school placement is secured, the sponsoring agency should issue the certificate of eligibility for J-1 Visas to the exchange visitor student who meets the criteria established in Federal law for participation in an EVP.

Pursuant to Federal law the sponsoring agency is also responsible for selecting a host family who resides in the District for each exchange visitor student.

Lastly, pursuant to Federal law, a sponsoring agency can place no more than five (5) exchange visitor students in the District high school.

Other Nonimmigrant Students

This policy does not apply to nonimmigrant students with citizenship in countries other than the United States who are not participating in an approved exchange visitor program at a District school.

All other nonimmigrant students with citizenship in countries other than the United States who seek to enroll in the District's schools are subject to State law and the District's policies regarding enrollment and, if applicable, tuition.

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po5130

WITHDRAWAL FROM SCHOOL

5130 - **WITHDRAWAL FROM SCHOOL**

The Board of Education affirms that, while Michigan law requires attendance of each student until sixteen (16) years of age, it is in the best interests of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools.

The Board directs that whenever a student wishes to withdraw from school, efforts should be made to determine the underlying reason for such action and the resources of the District should be used, when and as appropriate, to assist the student in reaching his/her career goals. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent or the approval of the Superintendent.

The Superintendent shall develop administrative guidelines for withdrawal from school which:

A. make counseling services available to any student who wishes to withdraw;

B. make every effort to satisfy the student's future educational needs;

C. help the student define his/her own educational life goals and help plan the realization of those goals;

D. inform the student of the G.E.D.;

E. inform the student of the Adult Continuation Program;

F. advise students of their right to return prior to their twentieth (20th) birthday, unless they are special education students, but only at the start of the term or semester;

G. assure the timely return of all District-owned supplies and equipment in the possession of the student.

po5136

WIRELESS COMMUNICATION DEVICES

5136 - **WIRELESS COMMUNICATION DEVICES**

Students may possess wireless communication devices (WCDs) in school, on school property, during after school activities (e.g. extra-curricular activities) and at school-related functions, provided that during school hours the WCDs are powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight.

A "wireless communication device" is a device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. The following devices are examples of WCDs: cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs), BlackBerrys/Smartphones, Wi-Fi-enabled or broadband access devices, two-way radios or video broadcasting devices, laptops, and other devices that allow a person to record and/or transmit, on either a real time or delayed basis, sound, video or still images, text, or other information. Students may not use WCDs on school property or at a school- sponsored activity to access and/or view Internet websites that are otherwise blocked to students at school. "Students may use WCDs while riding to and from school on a school bus or other vehicle provided by the Board or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, classroom teacher, and/or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated."

Also, during after school activities when directed by the administrator or sponsor, WCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight.

The requirement that WCDs must be powered completely off will not apply in the when the student has a special health circumstance (e.g. an ill family member, or his/her own special health condition) and obtains prior approval from the building principal.

Students are prohibited from using WCDs to capture, record or transmit the words (i.e. audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal. Students who violate this provision and/or use a WCD to violate the privacy rights of another person may have their WCD confiscated and held until the end of the school year.

The use of WCDs that contain built-in cameras (i.e. devices that take still or motion pictures, whether in a digital or other format) is prohibited in locker rooms, classrooms, bathrooms.

WCDs, including but not limited to those with cameras, may not be possessed, activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to locker rooms, shower facilities, restrooms, classrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a WCD is absolutely prohibited.

No expectation of confidentiality will exist in the use of WCDs on school premises/property.

Students are prohibited from using a WCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior.

Students are also prohibited from using a WCD to capture and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using their WCDs to receive such information.

Possession of a WCD by a student is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the WCD. The building principal may also refer the matter to law enforcement if the violation involves an illegal activity (e.g. child pornography). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the WCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed. Any WCD confiscated by District staff will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian. WCDs in District custody will not be searched or otherwise tampered with unless school officials reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a WCD to school for a designated length of time or on a permanent basis.

A person who discovers a student in possession of or using a WCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their WCDs. The Board assumes no responsibility for theft, loss, damage, or vandalism to WCDs brought onto its property, or the unauthorized use of such devices.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use office phones to contact parents/guardians during the school day.

po5200

ATTENDANCE

5200 - **ATTENDANCE**

The Board of Education as an agency of the State is required to enforce the regular attendance of students. The Board recognizes that the presence in the classroom enables the student to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for the student to excel.

Attendance shall be required of all District students, except those exempted under Policy 5223 or by other provisions of State law, during the days and hours that the school is in session.

A student may be considered a full-time equivalent student provided the student is enrolled in at least eight (8) units of instruction (courses), as defined by State law, per school year.

The Superintendent shall require, from the parent of each student or from an adult student who has been absent for any reason, a written statement and/or confirmation of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each:

A. single absence;

B. prolonged absence;

C. repeated unexplained absence and tardiness.

The Board may report to the Intermediate School District infractions of the law regarding the attendance of students below the age of eighteen (18). Repeated infractions of Board policy requiring the attendance of enrolled students may result in the suspension or expulsion of the student from the District program.

The Board considers the following factors to be reasonable excuses for time missed at school:

A. illness

B. recovery from accident

C. required court attendance

D. professional appointments

E. death in the immediate family

F. observation or celebration of a bona fide religious holiday

G. such other good cause as may be acceptable to the Superintendent

Attendance need not always be within the school facilities, but a student will be considered to be in attendance if present at any place where a school is in session by the authority of the Board.

The Superintendent shall develop procedures for the attendance of students which:

A. ensure a school session which is in conformity with the requirements of the law;

B. ensure that students absent for any excusable reason have an opportunity to make up work they missed;

C. ensure the student is not given a failing grade or his/her credit is not unconditionally revoked where lack of attendance is the sole or primary determining factor, but which allow a reduction in grade or denial of credit if the student does not make appropriate use of make-up sessions provided by the instructor or administrator;

D. govern the keeping of attendance records in accordance with the rules of the State Board and the Michigan Department of Education Pupil Accounting Manual, including a written electronic attendance procedure, if applicable;

E. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;

F. ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Such guidelines should provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

Revised 6/10/19

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po5223

ABSENCES FOR RELIGIOUS INSTRUCTION

5223 - **ABSENCES FOR RELIGIOUS INSTRUCTION**

The Board of Education desires to cooperate with those parents who wish to provide for religious instruction for the children but also recognizes its responsibility to enforce the attendance requirements of the State.

Upon the signed request of a student's parent, the Board will allow exceptions to the student's continuous attendance at school:

A. for religious instruction outside the school building for no more than two (2) class hours per week;

B. for attendance at confirmation classes provided the child is twelve (12) or thirteen (13) years of age and the instructional period is no longer than five (5) months in either of those years.

A student must be properly registered and a copy of such registration must be filed with the principal.

The time for release for religious instruction or education shall be arranged by the Superintendent in keeping with the regulations of the State Board of Education. S/He will also assure the appropriate continuance of the instructional program in the public school during such release times.

No solicitation for attendance at religious instruction shall be permitted on District premises. No member of the staff shall encourage nor discourage participation in any religious instruction program.

po5230

LATE ARRIVAL AND EARLY DISMISSAL

5230 - **LATE ARRIVAL AND EARLY DISMISSAL**

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the District.

The Board of Education recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

If one parent has been awarded custody of the student by the courts, the parent of custody shall provide the school with a copy of the custody order and inform the school in writing of any limitations in the rights of the noncustodial parent. Absent such notice, the school will presume that the student may be released into the care of either parent.

No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone who is not authorized such custody by the parents.

Presentation of photo identification is required of anyone authorized such custody. (See Form 5230 F1)

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po5310

HEALTH SERVICES

5310 - **HEALTH SERVICES**

In compliance with law, the Board of Education may require students to submit to periodic health examinations to:

A. protect the school community from the spread of communicable disease;

B. determine that each student's participation in health, safety, and physical education courses meets his/her individual needs;

C. determine that the learning potential of each child is not lessened by a remediable, physical disability.

The District shall specify the need for services which may include, but not be limited to:

A. student physical examinations;

B. athlete physical examinations;

C. dental examinations;

D. tests for communicable disease;

E. vision screening;

F. audiometric screening;

G. scoliosis test.

Any health services program should also include instruction to staff members on the observance of students for conditions that indicate physical defect or disability.

The Board shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening is scheduled or expected to be scheduled for students if the examination or screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of a specific student, or other students.

The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

po5320

IMMUNIZATION

5320 - **IMMUNIZATION**

The Board of Education believes that immunization is one of the most cost-effective measures to protect children from vaccine-preventable diseases. Accordingly, the Board requires that all students be properly immunized at the time of registration or not later than the first day of school pursuant to the provisions of the Department of Health and Human Services ("DHHS") regulations.

Students must meet the immunization requirements set by the State for attendance at school in order to enroll or attend.

Students who do not meet the immunization requirements on the opening day of school shall be admitted by the Superintendent in accordance with District administrative procedures. Transfer students shall not be admitted without proof of immunization as required by the State.

There are three (3) circumstances in which a required vaccine may be waived or delayed:

A. A valid medical contraindication exists to receiving the vaccine. The child's physician must certify the contraindication, the vaccines involved, and the time frame the student is not able to get the vaccines on the appropriate form.

B. The parents hold religious or philosophical beliefs against receiving a vaccination. Any parent/guardian/in loco parentis who wants to claim a

nonmedical waiver will need to receive education regarding the benefits of vaccination and the risks of disease from a county health department before obtaining the certified nonmedical waiver form through the Local Health Department.

C. The child has received at least one (1) dose of each immunizing agent, and the next dose(s) are not due yet. The District must follow up with the parent or legal guardian to ensure the student has received the required follow-up dose(s) of the vaccine.

When the District provides information on immunizations, infectious, disease, medications, or other school health issues to parents and guardians of students in at least grades, 6, 9, and 12, the Board shall include information about meningococcal meningitis and, the vaccine for meningococcal meningitis and about human papillomavirus and the vaccine for human papillomavirus. The information shall include at least the causes and symptoms of meningococcal meningitis and how it is spread, and the risks associated with human papillomavirus. In addition, the information shall include sources where parents/guardian may obtain additional information about both diseases and where they may obtain meningococcal meningitis and/or human papillomavirus vaccination of a child.

Revised 11/9/09
Revised 7/13/15

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po5330

USE OF MEDICATIONS

5330 - **USE OF MEDICATIONS**

The Board of Education shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, "medication" shall include all medicines including those prescribed by a physician and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Staff members are to administer medication or treatment only in the presence of another adult, except in the case of an emergency that threatens the life or health of the student. Staff licensed as professional registered nurses are exempt from this requirement.

All staff authorized to administer medication or treatment will receive training on this policy and the Superintendent’s guidelines, as well as appropriate procedures for administering the medication or treatment. This training shall be provided by qualified individuals with both knowledge of the District’s policy and procedures and the administration of medications or treatment. Where possible, this training should be provided by a licensed registered nurse, a licensed physician’s assistant, or a licensed physician.

All medication shall be kept in a locked storage case in the school office.

The Board shall permit the administration by staff of any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a physician and the staff member has completed any necessary training.

Students who may require administration of an emergency medication may have such medication in accord with the Superintendent's administrative guidelines.

Student Possession of Medication

Students are prohibited from possessing, using, carrying, or distributing in school, at school-sponsored events, or on school grounds any drugs or other products which, even though not defined as a drug, are used or marketed for use for medicinal purposes, such as to relieve pain or to relieve the symptoms of an underlying medical condition (including aspirin, ibuprofen, dietary supplements, CBD oil products, etc.).

The provisions of this policy are to be viewed together with the Board Policy 5530 - Drug Prevention.

Students may possess and self-administer a metered dose or dry powder inhaler for relief of asthma, or before exercise to prevent the onset of asthma symptoms, while at school, on school-sponsored transportation, or at any school-sponsored activity in accordance with the Superintendent’s guidelines, if the following conditions are met:

A. there is written approval from the student's physician or other health care provider and the student or parent/guardian (if student is under eighteen (18)) to possess and use the inhaler (Form 5330 F1c),

and

B. the building administrator has received a copy of the written approvals from the physician and the parent/guardian,

and

C. there is on file at the student's school a written emergency care plan prepared by a licensed physician in collaboration with the student and the student's parent/legal guardian. The plan shall contain specific instructions on the student's needs including what to do in the event of an emergency and be reviewed annually.

Students with a need for emergency medication may also be allowed to self possess and self administer such medication, provided that they meet the same conditions established above. Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self possess and administer the medication if they meet the conditions stated above.

General Provisions

Students shall be permitted to possess and self-administer U.S. Food and Drug Administration ("FDA") approved, over-the-counter topical products while on school property or at a school-sponsored event, provided the student has submitted prior

written approval of the student's parent/guardian to the Principal.
No student is allowed to provide or sell any type of medication to another student. Violations of this rule will be considered violations of the Student Code of Conduct and Policy 5530 - Drug Prevention.

The District and its personnel are immune from civil and criminal liability related to the administration or non-administration of medications to the extent set forth in applicable State law.

This policy and the administrative guidelines developed to establish appropriate procedures shall be implemented in such a manner to comply with District's obligations and the student's needs under any Individualized Education Plan, Section 504 Plan, or other legally required accommodation for individuals with disabilities.

The Superintendent shall prepare administrative guidelines to ensure the proper implementation of this policy.

Revised 12/10/18

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po5330.01

EPINEPHRINE AUTO-INJECTORS

5330.01 - **EPINEPHRINE AUTO-INJECTORS**

Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self-possess and self-administer the medication if they meet the conditions as stated in Policy 5330.

Each school in the District shall have at least two (2) epinephrine auto-injectors (Epi-Pens) available at the school site. It shall be the responsibility of the Principal to be sure that the supply of Epi-Pens is maintained at the appropriate level and they have not expired. The Superintendent shall also be responsible for coordinating the training of District employees to administer Epi-Pen injections and to maintain the list of employees authorized to administer such injections.

Individuals Qualified to Administer

Only a licensed, registered professional nurse employed or contracted by the District or a school employee who has successfully passed the required training shall be allowed to possess and administer Epi-Pen injections to students. The persons authorized to use the District-maintained Epi-Pens will be maintained in each school by the Principal, and shall be available on an electronically accessible site for employees' reference.

Each school shall have at least one person trained in the appropriate use and administration of an Epi-Pen injection. In each school with ten (10) or more combined instructional and administrative staff, at least two (2) employees at that site shall be appropriately trained in the use of an Epi-Pen.

Training of employees on the appropriate use and administration of an Epi-Pen injection shall be done in accordance with any guidelines provided by the Michigan Department of Education, and shall be conducted under the supervision of a licensed registered professional nurse. The training shall include an evaluation by the nurse of the employees' understanding of the protocols for administering an Epi-Pen injection.

Students to Whom Injections May Be Administered

A licensed, registered, professional nurse or trained and authorized employees under this policy may administer Epi-Pen injections to 1) any student who has a prescription on file with the District, in accordance with the directives in such prescription, and 2) any individual on school grounds who is believed to be having an anaphylactic reaction.

The District and its personnel are immune from civil and criminal liability related to the administration or non-administration of epinephrine to the extent set forth in applicable State law.

Reporting of Injections

Any person who administers an Epi-Pen injection to a student shall be responsible for promptly notifying the student's parent/guardian that an injection has been administered.

All Epi-Pen injections by District employees to students shall be reported in writing to the Superintendent. The report shall include whether the school's or student's Epi-Pen was used, and whether the student was previously known to be subject to severe allergic reaction (anaphylaxis).

The Superintendent shall at least annually report to the Department of Education, in the form and manner determined by the Department, information on the number of injections provided to students, the number of injections with District Epi-Pens and the number of incidents where students were not known to be subject to severe allergic reactions.

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po5330.02

OPIOID ANTAGONISTS

5330.02 - **OPIOID ANTAGONISTS**

The Board has determined that it is in the best interests of its students and employees to have opioid antagonists available to be administered, if necessary, by appropriately trained personnel. Therefore, the Board adopts this policy to govern the handling and administration of opioid antagonists consistent with the following processes, procedures, and limitations.

The District shall purchase opioid antagonists and distribute the opioid antagonists to an employee or agent of the District who has been trained in the administration of that opioid antagonist. An opioid antagonist is naloxone hydrochloride, Narcan, or any other similarly acting and equally safe drug approved by the U.S. Food and Drug Administration for the treatment of drug overdose.

A District employee or agent may possess an opioid antagonist distributed to that employee or agent and may administer that opioid antagonist to an individual only if both of the following apply:

A. The employee or agent has been trained in the proper administration of that opioid antagonist.

B. The employee or agent has reason to believe that the individual is experiencing an opioid-related overdose.

An opioid-related overdose is a condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with

which an opioid was combined or that a reasonable person would believe to be an opioid-related overdose that requires medical assistance.

Any school personnel who have reason to believe that a student is having an opioid-related overdose must call 911.

Any person who administers an opioid antagonist to a student shall promptly notify the student's parent/guardian.

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po5331

STUDENTS WITH SPECIAL HEALTH CARE NEEDS

5331 - **STUDENTS WITH SPECIAL HEALTH CARE NEEDS**

Accommodating Students with Special Dietary Needs

The Board of Education believes all students, through necessary accommodations where required, shall have the opportunity to participate fully in all school programs and activities.

In some cases, a student's disability may prevent him/her from eating meals prepared for the general school population.

Substitutions to the regular meal will be made for students who are unable to eat school meals because of their disabilities, when that need is certified in writing by a physician. Meal service shall be provided in the most integrated setting appropriate to the needs of the student with this disability.

The licensed physician's statement shall specifically describe:

A. the nature of the student's disability;

B. the reason the disability prevents the student from eating the regular school meals;

C. foods to be omitted from the student's diet;

D. the specific diet prescription along with the substitution(s) needed.

The District, in compliance with USDA Child Nutrition Division guidelines, will provide substitute meals to food-allergic students based upon the physician's signed statement, updated annually.

The Board recognizes that students with documented life-threatening food allergies are considered disabled and are covered by The Disabilities Act and Public Law 93-112 and Section 504 of The Rehabilitation Act of 1973. A clearly-defined "504 Accommodation Plan" shall be developed and implemented for all such identified students in which necessary accommodations are made to ensure full participation of identified student in student activities. Such plan shall be signed by the appropriate staff, the parent/guardian of the student and the student's physician.

The Superintendent shall prepare administrative guidelines for the care of food-allergic students. Such guidelines shall include, but not be limited to, staff development, strategies for identifying students at risk for life-threatening allergic reactions, means to manage the student's allergy including avoidance measures, designation of typical symptoms and dosing instructions for medications.

po5335

CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

5335 - **CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS**

Students with chronic health conditions will be provided with a free appropriate public education. If their impairment does not require specially designed instruction for them to benefit educationally, they will be eligible for accommodations/modifications/interventions of the regular classroom, curriculum, or activity (in the school setting) so that they have the same access to an education as students without disabilities. Such accommodations/modifications/interventions will be provided pursuant to a Section 504 Plan (Form 2260.01 F13).

Chronic health conditions, for the purposes of this policy, shall include:

A. "peanut" and other food allergies;

B. allergies;

C. asthma;

D. diabetes.

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with Policy 8330 and Policy 8350.

The District will coordinate school health practices for management of a chronic health condition and shall provide for:

A. identification of individuals with chronic health conditions;

B. development of individual health care action plans;

C. coordination of health care management activities by school staff;

D. communication among school staff who interact with children with chronic health conditions;

E. development of protocols to prevent exposure/episodic reactions;

F. awareness and training of school staff regarding Board policy on acute and routine management of chronic health conditions, information on signs and treatment of chronic health conditions, medication and administration, and emergency protocols for dealing with reactions in "unusual" situations such as field trips.

School health practices shall provide students with chronic health conditions the opportunity for:

A. full participation in physical activities when students are well;

B. modified activities as indicated by the student's health care action plan, 504 plan, or Individualized Education Plan (IEP);

C. access to preventative medications before activity (as prescribed by their medical providers) and immediate access to emergency medications during activity;

D. communication regarding student health status between parents, physicians, teachers (particularly physical education teachers), and coaches.

Healthcare management activities shall include:

A. procedures to obtain, maintain, and utilize written health care action plans, signed by the child's parents and physician, for each student with a chronic health condition;

B. a standard emergency protocol in place for students experiencing a distress reaction if they do not have a written health care action plan on site;

C. established communication strategies for students to use to tell an adult they may be having a health-related problem;

D. procedures for students to have immediate access to medications in accordance with Policy 5330 and AG 5330 that allow students to self-care and self-administer medications, inhalers, and Epi-pens, as prescribed by a medical professional and approved by parents/guardians;

E. prevention strategies to avoid causal elements;

F. case management for students with frequent school absences, school health office visits, emergency department visits, or hospitalizations due to chronic health conditions;

G. management and care of the student's chronic health condition in the classroom, in any area of the school or school grounds, or at any school-related activity or event.

Staff will be trained about chronic health conditions and their control at least annually in each school in which there is a student with a chronic health condition.

Administrative guidelines shall provide guidance for the implementation of this policy.

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po5340

STUDENT ACCIDENTS

5340 - **STUDENT ACCIDENTS**

The Board of Education believes that school personnel have certain responsibilities in case of accidents which occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administration personnel, notification of parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

Beginning with the 2025-2026 school year, the Board shall develop a cardiac response plan. This plan will include utilizing employees to respond to sudden cardiac arrests or other life-threatening emergencies that may occur on school campuses during school hours or at school-sponsored events including, but not limited to, school-sponsored athletic events.

The administrator in charge must submit an accident report to the Superintendent on all accidents.

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po5340.01

CONCUSSIONS AND ATHLETIC ACTIVITIES

5340.01 - **CONCUSSIONS AND ATHLETIC ACTIVITIES**

To provide for the safety of student athletes, all athletic programs of the District shall comply either with the concussion protocols of the Michigan High School Athletic Association, or the protocols set forth in AG 5340.01, which shall meet all the requirements of State law and Department of Community Health guidelines regarding concussion awareness training and protection for youth athletes. The District shall comply with whichever standards are more protective.

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po5341

EMERGENCY MEDICAL AUTHORIZATION

5341 - **EMERGENCY MEDICAL AUTHORIZATION**

The District will distribute annually to parents or guardians of all students the Emergency Medical Authorization Form. In the event emergency medical treatment for a student is necessary, the District will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is taken out of the District to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow the procedures described in this policy and in Policy 5342 related to Do Not Resuscitate Orders.

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po5342

DO NOT RESUSCITATE ORDERS (DNR) FOR MINOR STUDENTS

5342 - **DO NOT RESUSCITATE ORDERS (DNR) FOR MINOR STUDENTS**

After April 4, 2021, if a parent or legal guardian who is legally authorized to execute a "Do Not Resuscitate" order ("DNR Order") for a student provides school administration with a copy of a duly executed DNR Order compliant with the law and in substantially the same form as dictated by statute, District administration shall proceed as follows.

If the administrator who receives a copy of a DNR Order from a parent or legal guardian of a student is not the Superintendent, the administrator shall immediately provide the Superintendent with the DNR Order.

The Superintendent shall ensure that all of the following conditions are met:

A. The copy of the DNR Order must be placed in a file created specifically for a copy of a DNR Order or the revocation of a DNR Order in a manner and location to be determined by the Superintendent, regardless of whether the order pertains to a student with an individualized education program.

B. If the District received a copy of a DNR Order for a student during the immediately preceding school year, the Superintendent, or his/her designee, must inquire of the student's parent or legal guardian at the beginning of each school year subsequent to which the DNR Order was in effect to determine if the order is still in effect.

C. The Superintendent, or his/her designee, must provide actual notice of the DNR Order to each teacher or other school employee who provides instructional or noninstructional services directly to the student.

If an administrator received actual notice of a revocation of a DNR Order, s/he shall immediately provide the revocation to the Superintendent and the Superintendent, or his/her designee shall immediately place the revocation in the file created per the instruction and provide actual notice of the revocation to each teacher or other school employee who provides instructional or noninstructional service directly to the student.

The Board shall ensure that timely and appropriate training regarding compliance with the DNR Order is provided to each teacher or other school employee who provides services to a student with a DNR Order, according to his/her level of responsibility.

An individual who determines that a minor student, while located at school, is wearing a do-not-resuscitate identification bracelet or an individual who has actual notice of valid DNR Order related to the minor student shall not attempt to resuscitate the minor student before an appropriate health professional arrives to assist.

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po5343

PHYSICIAN ORDER FOR SCOPE OF TREATMENT (POST)

5343 - **PHYSICIAN ORDER FOR SCOPE OF TREATMENT (POST)**

An administrator who receives a copy of a physician order for scope of treatment ("POST") form from a parent or legal guardian of a student enrolled in the District shall immediately provide the form to the Superintendent.

A. The Superintendent shall ensure that all of the following conditions are met:

1. The copy of the POST form must be placed in a file created specifically for a copy of a POST form or the revocation of a POST form, in a manner and location to be determined by the Superintendent or his/her designee, regardless of whether the form pertains to a student with an individualized education program.

2. If the District received a copy of a POST form for a student during the immediately preceding school year, the Superintendent, or his/her designee, must inquire of the student's parent or legal guardian at the beginning of each school year subsequent to which the POST form was in effect to determine if the order is still in effect and request an updated copy of the form, if applicable.

3. The Superintendent, or his/her designee, must provide actual notice of the POST form described in this subsection to each teacher or other school employee who provides instructional or noninstructional services directly to the student.

B. If an administrator receives actual notice of a revocation of a POST form, s/he shall immediately provide the revocation to the Superintendent and the

Superintendent or his/her designee shall immediately place the revocation in the file described under subsection (1)(a) and shall provide actual notice of the revocation to each teacher or other school employee who provides instructional or noninstructional services directly to the student, regardless of whether the revocation pertains to a student with an individualized education program.

C. The Board shall ensure that timely and appropriate training regarding compliance with the POST form is provided to each teacher or other school employee who provides services to a student with a POST form, according to his/her level of responsibility.

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po5350

STUDENT SUICIDE

5350 - **STUDENT HEALTH, WELL-BEING, AND SUICIDE PREVENTION**

The Board of Education recognizes the importance of addressing emotional and physical safety of students and staff in order to create and maintain safe and supportive learning environments. Comprehensive mental health and wellness initiatives are key to providing that students are in school, healthy, ready to learn, and prepared for success.

The District's comprehensive mental health and wellness initiatives may include supports and services that promote:

A. Positive school climate;

B. Social skills;

C. Mental health and well-being;

D. Support for students and staff; and

E. Trauma-informed and restorative practices.

The District shall implement specific strategies to promote school safety, including student instruction, anonymous reporting systems, threat assessment teams, emergency management plans, and staff training.

The District may provide students with age-appropriate instruction concerning the warning signs and risk factors for suicide and depression, and the protective factors that help prevent suicide.

All school personnel should be alert to the student who exhibits signs of unusual depression or who threatens or attempts suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness.

District staff may receive professional development training in the risk factors, warning signs for suicide and depression, and about the protective factors that help prevent suicide, as well as the available resources regarding youth suicide awareness and prevention.

Additional professional development training in suicide risk assessment and intervention may be provided to counselors, psychologists, and school nurses.
The Superintendent shall develop and implement administrative guidelines whereby members of the professional staff understand how to use an intervention procedure which includes the following:

Step 1 - Stabilization

Step 2 - Assessment of the Risk

Step 3 - Use of Appropriate Risk Procedure

Step 4 - Communication with Appropriate Parties

Step 5 - Follow-up

The Superintendent may implement instruction for students on the dangers of depression and suicide through age-appropriate programs. Such instruction shall focus on:

A. awareness of the risks and warning signs;

B. access to appropriate prevention services;

C. prevention of suicidal behaviors among students.

Parents/Guardians shall be notified of any suicide prevention instruction provided their children using the communication method used for regular communication with parents in that particular building. Upon written request of a parent/guardian, a student will be excused from instruction in this area.

Throughout any intervention, it is essential that Board policies and District guidelines regarding confidentiality be observed at all times.

Revised 7/13/15

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po5420

REPORTING STUDENT PROGRESS

5420 - **REPORTING STUDENT PROGRESS**

The Board of Education believes that the cooperation of school and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress which shall include written reports, electronic communication, and parent conferences with teachers, and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The Superintendent, in conjunction with appropriate staff members, shall develop procedures for reporting student progress to parents which:

A. utilize various methods of reporting appropriate to grade level and curriculum content;

B. ensure that both student and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the student's status;

C. enable the scheduling of parent-teacher conferences at such times and in such places as will ensure the greatest degree of participation by parents;

D. specify the issuance of report cards at intervals of not more than quarterly;

E. ensure a continual review and improvement of methods of reporting student progress to parents.

po5421

GRADING

5421 - **GRADING**

The Board of Education recognizes its responsibility for providing a system of grading student achievement that can help the student, teachers, and parents judge properly how well the student is achieving the goals of the District's program.

The Board believes that the District's grading system should be a reliable system and one that ensures each student's grades signify accurately his/her degree of accomplishment of those expected learning outcomes which are to be stated for each program at every grade level, kindergarten through twelfth.

The Board directs the Superintendent to develop procedures for grading which:

A. develop clear, consistent criteria and standards particularly when grades are based on subjective assessment;

B. help each student understand in each course or program what behavior and/or achievement is needed to earn each grade as well as what will produce a failing grade;

C. provide frequent opportunities for each student to obtain information as to his/her progress toward the learning goals of his/her courses or programs;

D. provide for a pass/fail grade in programs for which it is appropriate;

E. provide students the opportunity to assess both their own achievements and their areas of difficulty.

The grading system should not inhibit the professional staff member from learning the strengths and weaknesses of each student on an individual basis.

The grading system should be subject to continual review by staff, students, and parents. Revisions shall be made only when such changes will assure a clearer, more valid, or more reliable system of grading.

The teacher responsible for a student's instruction in a particular course or program shall determine the student's grade. Final grades posted can only be changed with the authorization of the principal and/or Superintendent.

po5430

CLASS RANK

5430 - **CLASS RANK**

The Board of Education acknowledges the usefulness of a system of computing grade point averages and class ranking for high school students, both to inform students of their relative academic placement among their peers and to provide students, prospective employers, and institutions of higher learning with a predictive device so that each student is more likely to be placed in an environment conducive to success.

The Board authorizes a system of class ranking, by grade point average, for students in grade(s) 9 – 12.

The Superintendent shall develop procedures for the computation of grade point averages and the assignment of class rank to implement this policy.

po5451

STUDENT RECOGNITION

5451 - **STUDENT RECOGNITION**

The Board of Education values excellence and wishes to inculcate in students the desire to do their best in all things. It shall be the policy of this Board, therefore, to recognize outstanding accomplishment in the curricular, co-curricular, and extra-curricular areas.

The Board authorizes the Superintendent to develop a plan for recognition of outstanding student achievement based on well-defined, consistent criteria and standards.

po5460

GRADUATION REQUIREMENTS

5460 - **GRADUATION REQUIREMENTS**

It shall be the policy of the Board of Education to acknowledge each student's successful completion of the instructional program or a personal curriculum appropriate to the achievement of District goals and objectives as well as personal proficiency, by the awarding of a diploma at graduation ceremonies.

The Board shall annually notify each of its students and a parent or legal guardian of each of its students that all students are entitled to a personal curriculum. The annual notice shall include an explanation of what a personal curriculum is and state that if a personal curriculum is requested, the public school or public school academy will grant that request. The District shall provide this annual notice to parents and legal guardians by sending a written notice to each student’s home or by including the notice in a newsletter, student handbook, or similar communication that is sent to a student’s home, and also shall post the notice on the District website.

The Superintendent is authorized to provide each student in grade twelve (12) and the parent of each student in grade twelve (12) a notice regarding the existence of the Free Application for Federal Student Aid ("FAFSA") and a description of the process, benefits, and requirements of completing the FAFSA. This notice also shall include approximate annual tuition costs of each State educational institution of higher education in Michigan and State scholarships, grants, or other assistance available to students in Michigan. The Superintendent may use the model notice prepared by the Commission of Higher Education or develop a local notice containing the required information.

The Board shall award a regular high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board, the Michigan Department of Education ("MDE"), and as provided by State law.

As outlined in Policy 5114, foreign-exchange students are not eligible to receive a Whiteford High School diploma.

Credit may be earned by:

A. traditional coursework;

B. demonstrating mastery of subject area content expectations or guidelines for the credit;

C. related coursework in which content standards are embedded;

D. non-traditional coursework;

E. independent teacher-guided study;

F. testing out;

G. dual enrollment;

H. advanced placement courses;

I. International Baccalaureate or other "early college" programs; or

J. Michigan Department of Education ("MDE")-approved formal career and technical ("CTE") program or curriculum;

K. online class.

If a student successfully completes all of the following credit requirements while in grades seven (7) to twelve (12), the District will notate on the student's transcript or diploma that the student has earned a STEM endorsement:

A. All applicable requirements of the Michigan merit standard for a high school diploma under sections M.C.L. 380.1278a and 1278b.

B. At least six (6) credits in mathematics. At least five (5) of these credits must be in courses that are either listed in section M.C.L. 380.1278a(1)(a)(i) or that cover the same content standards as a course listed in section 1278a(1)(a)(i), including a credit for pre-calculus or calculus.

C. At least six (6) credits in science. At least 4 of these credits must be in courses that are either listed in section M.C.L. 380.1278b(1)(b) or that cover the same content standards as a course listed in section 1278b(1)(b).

D. At least one-half (1/2) credit featuring significant coursework involving technology activities and at least one-half (1/2) credit featuring significant coursework involving engineering activities. These credits may be gained through separate technology and engineering coursework or in conjunction with coursework associated with the credits required under subdivisions (b) and (c).

Students shall successfully complete an online course or learning experience, OR shall have the online learning experience incorporated into each of the required credits of the Michigan Merit Curriculum.

Special education students who properly complete the programs specified in their I.E.P., or in a personal curriculum, meet the requirements for a high school diploma, and have received the recommendation of the I.E.P.C. may participate in graduation activities as recommended by the student's I.E.P.C. Reasonable accommodation shall be made for students with disabilities, as defined under State or Federal law, to assist them in taking any required tests or assessments for graduation.

For State-mandated curriculum requirements, a student shall be granted credit toward graduation if the student successfully completes the subject area content expectations or guidelines developed by the department that apply to the credit. A student may also receive credit if the student earns a qualifying score, as determined by the State on the assessments developed or selected for the subject area by the State or the student earns a qualifying score, as determined by the District on one (1) or more assessments developed or selected by the School District that measure a student's understanding of the subject area content expectations or guidelines that apply to the credit. For subject areas and courses in which a final examination is used as the assessment for successful attainment of the subject area content, a grade of C+ or better is required.

The Board shall grant credit toward high school graduation for any student who successfully completes, prior to entering high school, a State-mandated curriculum requirement, provided the student completes the same content requirements as the high school subject area, and the student has demonstrated the same level of proficiency on the material as required of the high school students.

Such credit shall be counted toward the required number of credits needed for graduation. Mastery credits shall be counted toward any subject area requirement and any course sequence requirement. Once mastery credit is earned in a subject area, a student may not receive further credit for a lower sequence course in the same subject area.

A high school student shall be granted credit in any foreign language not offered by the District providing the student meets the competency criteria established by the Superintendent.

A high school student shall be granted credit for completion of an internship or work experience that meets all of the requirements of M.C.L. 380.1279h, subject to the Board's right to deny credit for the reasons and in the manner set out in MCL 380.1279h. The appeal rights set out in this statute apply in the event of a denial.

The career and technical education credits may include work-based learning by a student working at a business or other work setting with appropriate oversight by the District over the student's experience and learning in the work setting in which the work-based learning occurs.

Commencement exercises will include only those students who have successfully completed requirements as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation, however, when personal conduct so warrants.

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Revised 11/9/09
Revised 11/8/10
Revised 1/14/13
Revised 8/10/15
Revised 12/10/18
Revised 5/12/25

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po5463

CREDITS FROM NONPUBLIC SCHOOLS

5463 - **CREDITS FROM NONPUBLIC SCHOOLS**

In recognizing its responsibility to uphold the minimum educational standards of the State of Michigan, the Board of Education establishes the following policy and criteria regarding the acceptance of credits from nonpublic schools whether they be State-approved, nonapproved, or home schools.

For credit or course-work to be accepted for courses taken in such schools, assurance of compliance with minimum requirements established by the State must be provided.

Recognition of credits or course-work shall be granted when the proper assurance and the student's transcript has been received. The District reserves the right to assess such transfer students in order to determine proper placement and to be assured the student can demonstrate the learnings which are prerequisite to a placement.

Although credits from nonpublic schools may be granted and placed on a student's transcript, no grades will be entered on the transcript or considered for class ranking. Only grades awarded for courses taken at the District or at a school approved by a State education agency shall be considered in class ranking and for entering on the transcript.

po5464

EARLY GRADUATION

5464 - **EARLY GRADUATION**

The Board of Education acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date their designated class.

Application for early graduation will be submitted to the high school principal in accordance with school regulations. The principal may honor this request if all conditions for graduation are met and the student fulfills the graduation requirements.

The student may participate in the graduation ceremonies with his/her designated class.

po5500

STUDENT CONDUCT

5500 - **STUDENT CONDUCT**

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty should be maintained in the schools of this District.

Academic Honesty

The Board values honesty and expects integrity in the District's students. Violating academic honesty expectations erodes the trust between teachers and students as well as compromises the academic standing of other students. So that each student learns the skills being taught and is judged solely on their own merits, the Board prohibits any student from presenting someone else's work as their own, using artificial intelligence platforms in place of one's own work, providing unauthorized assistance to another student, and cheating in any manner.

All school work submitted for the purpose of meeting course requirements must be the individual student's original work or the original work of a group of students for group projects. It is prohibited for any student to unfairly advance their own academic performance or that of any other student. Likewise, no student may intentionally limit or impede the academic performance or intellectual pursuits of other students.

Academic dishonesty includes, but is not limited to:

A. plagiarism (of ideas, work, research, speech, art, music, etc.);

B. forgery of another's work;

C. presenting the results that are the product of an artificial intelligence (AI) platform as one's own where the use of AI was not specifically allowed by the teacher as part of the assignment;

D. downloading or copying information from other sources and presenting it as one's own;

E. using language translation work of someone else or using technology when the expectation is doing one's own translation;

F. copying another person's work;

G. allowing another person to copy one's own work;

H. stealing another person's work;

I. doing another person's work for them;

J. distributing copies of one's work for use by others;

K. distributing copies of someone else's work for use by others for academic gain or advantage;

L. intentionally accessing another's work for the purpose of presenting it as one's own for academic gain or advantage;

M. distributing or receiving answers to assignments, quizzes, tests, assessments, etc.;

N. distributing or receiving questions from quizzes, tests, assessments, etc.

Notwithstanding the preceding, students can use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

A. Research assistance: AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.

B. Data Analysis: AI/NLP tools can be used to help students to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.

C. Language translation: AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.

D. Writing assistance: AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.

E. Accessibility: AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments understand spoken language.

Staff and Administration have the responsibility for monitoring students' work for compliance with this policy.

All teachers, beginning in the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in District schools regarding academic integrity.

Students who violate this policy are subject to disciplinary consequences.

Parents shall be contacted as soon as practicable to report any alleged acts of academic dishonesty by their child.

Repeated violations of this policy will result in additional disciplinary consequences in accordance with the Student Code of Conduct.

Student and/or parent appeals of disciplinary consequences resulting from violation of this policy may be made based on the appeals process documented in the student handbook.

The Superintendent shall establish procedures to carry out Board policy and philosophy, and shall hold all school personnel, students, and parents responsible for the conduct of students in schools, on school vehicles, and at school-related events.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. This Code of Conduct shall be reviewed annually.

Cross References
po7540.03
po7540.04
po7540.09

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po5510

STUDENTS – SEX OFFENDER REGISTRY; CRIMINAL CONVICTIONS

5510 - **STUDENTS – SEX OFFENDER REGISTRY; CRIMINAL CONVICTIONS**

Students who are convicted of criminal conduct which requires their listing on the State's Sexual Offender Registry, shall be prohibited from participating in:

A. all extracurricular activities;

B. after school social activities, such as attendance at school-sponsored clubs, dances, athletic events, musical or theatrical performances, or outside clubs or activities, which meet on school property such as Girl or Boy Scouts, non-school athletics or religious/political groups;

C. activities as designated in writing by the student's school principal.

Any exceptions to the above exclusions must be approved by the student's school principal and/or Superintendent.

Any exceptions must be confirmed in writing by the authorizing individual, and must specifically state any requirements for participation, such as parental or adult supervision. The writing shall be provided to the parent, student, principal and Superintendent. Exceptions may be revoked at any time, with cause.

The school principal may also adjust the student's classes and schedule to provide for adequate supervision and student safety during the school day.

Additional restrictions on in-school activity and student contacts may be implemented by the building's principal, with approval from the Superintendent. Such restrictions shall be based on student/school safety and/or maintaining an appropriate educational environment. Restrictions will be in writing and provided to the student, parents/guardian and those staff with a need to know.

Such students shall only be on school premises as necessary for normal instructional purposes, or as permitted under any exceptions granted by the District. Students shall not arrive earlier than necessary and shall leave promptly upon completion of their approved attendance.

Students who have been convicted of a crime shall be reviewed by the District administration for possible limitation of school related activities consistent with the nature of the crime and the interest of the District in maintaining school safety.

Revised 5/9/11

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po5511

DRESS AND GROOMING

5511 - **DRESS AND GROOMING**

The Board of Education recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools.

Accordingly, the Superintendent shall establish such grooming guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such guidelines shall prohibit student dress or grooming practices which:

A. present a hazard to the health or safety of the student or to others in the school;

B. interfere with school work, create disorder, or disrupt the educational program;

C. cause excessive wear or damage to school property;

D. prevent the student from achieving educational objectives because of blocked vision or restricted movement.

Such guidelines shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing the District at a public event.

The Superintendent shall develop administrative guidelines to implement this policy which:

A. designate the principal as the arbiter of student dress and grooming at the building level;

B. in the preparation of a dress code which may specify prescribed dress and grooming practices, but may not amplify the rationale for prohibition established by Board policy.

Students who violate the foregoing rules will not be admitted to class and may be suspended from school.

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po5512

USE OF TOBACCO BY STUDENTS

5512 - **USE OF TOBACCO BY STUDENTS**

The Board of Education recognizes that the use of tobacco products presents a health hazard which can have serious consequences both for the user and the nonuser, including the effects of secondhand smoke and vapor/aerosol exposure, and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco products from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco products on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

The Board prohibits the use, consumption, display, activation, promotion, sale, or possession of tobacco product by students in District buildings, on District property (owned or leased), in District vehicles, and at any District-related event.

For purposes of this policy:

A. “electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device including, but not limited to, an e-cigarette (including, but not limited to, “JUUL”, “NJOY,” “BREEZE,” “Puff Bar,” etc.), e-cigar, e-pipe, vape pen, or e-hookah;

   Electronic smoking device includes any component, part, or accessory of the device and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for

sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

B. “off-campus, schools-sponsored event” means any event sponsored by the school or School District that is not on school property including, but not limited to, sporting events, day camps, field trips, dances, or theatrical productions;

C. “tobacco industry” means manufacturers, distributors, or wholesalers of tobacco products or tobacco-related devices (e.g., Juul, Altria);

This includes parent companies and subsidiaries.

D. “tobacco product” means 1) any product containing, made of, or derived from tobacco or nicotine (including synthetic nicotine) that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; 2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or 3) any component, part, or accessory of 1) or 2) whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes;

Tobacco product does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

E. "use of a tobacco product" means any of the following:

1. inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant,

whether natural or synthetic, that is intended for inhalation (use of a tobacco product includes using an electronic smoking device);

2. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device;

3. the chewing of a tobacco product;

4. the placing of a tobacco product within a person's mouth.

In order to protect students and staff who choose not to use tobacco products from an environment noxious to them, the Board prohibits the possession, consumption, purchase or attempt to purchase and/or use of tobacco or tobacco substitute products by students at all times (twenty-four (24) hours a day, seven (7) days a week) on Board premises, in Board-owned vehicles, within any indoor facility owned or leased or contracted for by the Board, and/or used to provide education or library services to children, and at all Board-sponsored events, school grounds, athletic facilities and any school-related event.

Advertising/Promotion

In accordance with Policy 9700.01, tobacco product advertising is prohibited on school grounds, in all school-sponsored publications, and at all school-sponsored events.

The promotion of tobacco products, including clothing, bags, lighters, gear, technology accessories, signs, structures, vehicles, fliers, other personal articles, or any other product or paraphernalia is not permitted on school grounds, in school vehicles, or at school or District-sponsored events.

No one on behalf of the District may solicit or accept any contributions, gifts, or money from the tobacco industry - to include, but not be limited to, donations, monies for sponsorships/scholarships, advertising, promotions, loans or support for equipment, uniforms, and sports and/or training facilities.

Notification

Signage will be posted throughout the District. Students will be provided notice of this policy through student handbooks.

Announcements will be made during home athletic events both before the event and during intermission, as well as at all school functions where deemed appropriate.

Educational Programming

Tobacco-use prevention education shall be coordinated with the other components of the school health program and shall be evidence-based, age-appropriate, and culturally responsive.

The curriculum for this education program shall not be paid for or developed by the tobacco industry.

Staff responsible for teaching tobacco-use prevention education shall have adequate pre-service training and participate in ongoing professional development activities to effectively deliver education programming. Preparation and professional development activities shall provide basic knowledge about the effects of tobacco use and effects of

peer pressure on tobacco use combined with effective instructional techniques and strategies and program-specific activities.

Students who violate this policy shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code and in accordance with policies of the Board. Students subject to such action may also be referred for smoking cessation treatment, support, and a graduated set of evidence-based, supportive disciplinary practices that promote recovery and reduction of tobacco product addiction and dependence, including information about My Life My Quit, the State of Michigan's teen quit program.

Revised 5/9/11
Revised 12/6/19

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po5513

CARE OF DISTRICT PROPERTY

5513 - **CARE OF DISTRICT PROPERTY**

Basic to the philosophy of the Board of Education is a respect for the rights of others. Students are urged to exercise this respect in regard to the belongings of others, including District property. Each student should realize that vandalism to District property is costly to repair and is directly related to increased school taxes.

Attempts should be made to teach students respect for property which can be done in connection with the care of textbooks and the use of District materials and equipment.

In accordance with law, students who cause damage to District property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law except that students over eighteen (18) years of age shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage, or destruction of District equipment, apparatus, musical instruments, library materials, textbooks, and for damage to District buildings.

The Superintendent may report to the appropriate authorities any student whose damage of District property has been serious or chronic in nature.

The Superintendent shall develop administrative guidelines to implement this policy.

po5514

STUDENT USE OF BICYCLES

5514 - **STUDENT USE OF BICYCLES**

The Board of Education regards the use of bicycles for travel to and from school by students as an assumption of responsibility on the part of those students, a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others.

The Board may permit the use of bicycles by students with prior approval of the principal and in accordance with the rules of the District.

po5514.01

STUDENT USE OF MOTOR VEHICLES

5514.01 - **STUDENT USE OF MOTOR VEHICLES**

The Board of Education regards the use of motor vehicles as a privilege for travel to and from school by students as an assumption of responsibility on the part of those students -- a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others.

The Board will permit the use of motor vehicles by students, in accordance with the rules of this District, provided that such students are licensed drivers and have been granted permission by the principal to drive a motor vehicle on school grounds.

The Board will not permit the use of minibikes for travel to and from school.

The Board will not be responsible for motor vehicles which are lost, stolen, or damaged.

No student who does not possess a valid motorcycle safety education certificate will be allowed to ride or park a motorcycle on school property.

The Superintendent shall develop administrative guidelines for the operation and parking of motor vehicles and shall disseminate those rules to all students so affected.

The Superintendent shall establish standards for the granting of permits which shall contain the warning that infraction of the rules may result in the revocation of the permit.

po5515.01

SAFE OPERATION OF MOTORIZED UTILITY VEHICLES BY STUDENTS

5515.01 - **SAFE OPERATION OF MOTORIZED UTILITY VEHICLES BY STUDENTS**

Because of the clear and present danger of accident, the Board of Education prohibits the use of motorized utility vehicles by students on school grounds or for school activity purposes.

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po5516

STUDENT HAZING

5516 - **STUDENT HAZING**

The Board of Education believes that hazing activities of any type are inconsistent with the educational process and prohibits all such activities at any time in school facilities, on school property, and at any District-sponsored event.

Hazing shall be defined for purposes of this policy as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Hazing involves conduct such as but not limited to:

A. illegal activity, such as drinking or drugs;

B. physical punishment or infliction of pain;

C. intentional humiliation or embarrassment;

D. dangerous activity;

E. activity likely to cause mental or psychological stress;

F. forced detention or kidnapping;

G. undressing or otherwise exposing initiates.

[NOTE: If the school club or organization does not have an official and approved initiation procedure, and if no school staff is involved in the activity, there is a significant likelihood that the activity may result in violation of this policy. Michigan law also makes hazing a crime, punishable by fine and/or imprisonment.]

Administrators, faculty members, and other employees of the District shall be alert particularly to possible situations, circumstances, or events which might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Superintendent. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil or criminal penalties.

The Superintendent shall distribute this policy to all students and District employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

po5517

ANTI-HARASSMENT

5517 - **ANTI-HARASSMENT**

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and the bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation, or unreasonably interfere with the individual's school or work performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or

C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

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

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Unwanted physical and/or sexual contact.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

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 suggests the desire for a romantic relationship.

J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

L. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.

M. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the

purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

Superintendent
(734) 856-1443 x 101
6655 Consear Rd.
Ottawa Lake, MI 49267

The names, titles, and contact information of these individuals will be published annually on the School District's website.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the

Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Reports and Complaints of Harassing Conduct

Students and other members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties, which includes students, or third parties who believe they have been unlawfully harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or

participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officers who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of Policy 5517 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any student who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs

while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights.

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complainants involving a District employee, any other adult member of the School District community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the allegedly harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator in the school the student attends; 2) to the Superintendent or other District-level employee; and/or 3) directly to one of the Compliance Officers.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

B. Distributing a copy of this anti-harassment policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, principal, or other District employee at the student's school, the Compliance Officer, Superintendent, or another District official who works at another school or at the district level. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District official at the

student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer/designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful

harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) days of receiving the report of the Compliance Officer/designee, the Superintendent must either issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) school days. At the conclusion of the additional investigation, the Superintendent shall issue a written decision as described above.

The decision of the Superintendent shall be final.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the student alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person from making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this

policy that can result in imposition of disciplinary sanction/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a student under the age of eighteen (18) or that a person with a disability receiving services as a student from the school regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy 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, which may include but not be limited to:

A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

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 and/or the District’s response to the alleged violation of this policy;

D. written witness statements;

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

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (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 this policy;

I. dated written determinations/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 this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, 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 this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

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 shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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po5517.01

BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS

5517.01 - **BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS**

It is the policy of the District to provide a safe and nurturing educational environment for all of its students.

The Board of Education recognizes that a school that is physically and emotionally safe and secure for all students and staff will be better able to promote good citizenship, increase attendance and engagement, and support academic achievement. The Board expects students and staff to conduct themselves in a manner that promotes positive relationships and school climate, with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

This policy protects all students from bullying/aggressive behavior regardless of the subject matter or motivation for such impermissible behavior.

Bullying or other aggressive behavior toward a student, whether by other students, staff, or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited. This prohibition includes written, physical, verbal, and psychological abuse, including hazing, gestures, comments, threats, or actions, including electronically transmitted acts, to a student, which cause or threaten to cause bodily harm, reasonable fear for personal safety, or personal degradation.

Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

This policy applies to all "at school" activities in the District, including activities on school property, in a school vehicle, or at any time or place where a child's immminent safety or over-all well-being may be at issue, and those occurring off school property, if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business. Misconduct occurring outside of school may also be disciplined if it interferes with the school environment.

Notification

Notice of this policy will be **annually** circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

Parents or legal guardians of the alleged victim(s), as well as of the alleged aggressor(s), shall be promptly notified of any complaint or investigation, as well as the results of the investigation, to the extent consistent with student confidentiality requirements. A record of the time and form of notice or attempts at notice shall be kept in the investigation file.

To the extent appropriate and/or legally permitted, **confidentiality** will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. Further, the appropriate authorities may be notified, depending on the nature of the complaint and/or the results of the investigation.

Reporting

The District shall submit to the Department of Education a copy of this Policy.

The District shall report incidents of bullying to the Department of Education on an annual basis according to the form and procedures established by the Department of Education.

Should this Policy be amended or otherwise modified, the District shall submit a copy of the amended or modified Policy to the Department of Education no later than thirty (30) days after adopting the modification.

Implementation

The Superintendent is responsible to implement this policy, and may develop further guidelines, not inconsistent with this policy. This policy is not intended to and should not be interpreted to interfere with legitimate free speech rights of any individual. However, the District reserves the right and responsibility to maintain a safe environment for students, conducive to learning and other legitimate objectives of the school program.

Procedure

Any student who believes they have been or are the victim of bullying, hazing, or other aggressive behavior should immediately report the situation to the Principal or assistant principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

A student may also submit a report or complaint to any of the above designated individuals through email, voicemail, regular mail or by leaving a sealed note addressed to the individual at that person's office or desk. The student may submit a report or complaint anonymously, but this may affect the ability to fully investigate the matter when the complaining student is not available to provide additional information during the course of the investigation.

The identity of a student who reports bullying, hazing, or aggressive behavior, as well as those students who provide information during an investigation, will remain confidential to the extent possible and to the extent allowable by law. Only school personnel directly involved in the investigation of the complaint or responsible for remedying any violations will be provided access to the identity of the complaining student(s) and student witnesses, and then only to the extent necessary to effectively deal with the situation.

The identity of the student who files the report or complaint will not be voluntarily shared with the alleged perpetrator(s) or the witnesses unless the student (and the student's parent/guardian) gives written permission to do so. Any investigation report will likewise not be voluntarily produced with the names of the reporting student(s) or witnesses. However, under certain circumstances, the District may be required by law to disclose the report and/or the student(s) names. Also, under certain circumstances, the identity of the reporting student may become obvious even without disclosure by school personnel.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports shall be made to those identified above. While reports may be made anonymously, formal disciplinary action may not be taken solely on the basis of an anonymous report without other corroborating evidence.

The Principal (or other designated administrator) shall promptly investigate and document all complaints about bullying, aggressive, or other behavior that may violate

this policy. The investigation must be completed as promptly as the circumstances permit and should be completed within three (3) school days after a report or complaint is made.

If the investigation finds an instance of bullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement or other appropriate officials.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

The individual responsible for conducting the investigation shall document all reported incidents and report all verified incidents of bullying, aggressive, or other prohibited behavior, as well as any remedial action taken, including disciplinary actions and referrals, to the Superintendent. The Superintendent shall submit a compiled report to the Board on an annual basis.

Non-Retaliation/False Reports

Retaliation or false allegations against any person who reports, is thought to have reported, files a complaint, participates in an investigation or inquiry concerning allegations of bullying or aggressive behavior (as a witness or otherwise), or is the target of the bullying or aggressive behavior being investigated, is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board

policy, independent of whether a complaint of bullying is substantiated. Suspected retaliation should be reported in the same manner as bullying/aggressive behavior.

Making intentionally false reports about bullying/aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

Prevention/Training/Restorative Practices

The District shall provide a minimum of annual training for school employees and volunteers who have significant contact with students on school policies and procedures regarding bullying and harassment to help promote a positive school climate. Training will provide school employees with a clear understanding of their roles and responsibilities and the necessary skills to fulfill them. (Examples of appropriate trainings include, but are not limited to, age-appropriate strategies to prevent bullying; age-appropriate strategies for immediate, effective interventions to stop incidents; internet safety issues as they relate to cyberbullying; and fostering an understanding of and respect for diversity and difference).

The District shall implement a comprehensive health education curriculum, within the Whole School, Whole Community, Whole Child framework, to help students attain skills and knowledge vital to school success, a productive and healthy workforce, and good citizenship. Critical skills include anticipating consequences of choices, making informed decisions, communicating effectively, resolving conflicts, and developing cultural competency.

The District shall utilize restorative practices that emphasize repairing the harm to the victim and school community in the correction of bullying behavior, which may include victim-offender conferences that:

A. are initiated by the victim;

B. are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;

C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team";

D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these. The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

The best discipline for aggressive behavior is designed to (1) support students in taking responsibility for their actions, (2) develop empathy, and (3) teach alternative ways to achieve the goals and solve problems that motivated the aggressive behavior. Staff members and volunteers who interact with students shall role model respectful behavior and apply best practices designed to prevent discipline problems and encourage students' abilities to develop self-discipline and make better choices in the future. School employees will also be held accountable for bullying or harassing behavior that is directed toward school employees, volunteers, parents, or students in accordance with law and local collective bargaining agreements.

Consequences and appropriate remedial actions for a student or staff member who engages in one (1) or more acts of bullying or harassment may range from positive behavioral interventions, up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the Board's approved Code of Student Conduct or Employee Handbook. School

employees will also be held accountable for bullying or harassing behavior directed toward school employees, volunteers, parents, or students.

Consequences for a student who commits an act of bullying and harassment shall vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Board's approved Code of Student Conduct. Remedial measures shall be designed to:

A. correct the problem behavior;

B. prevent another occurrence of the behavior; and

C. protect the victim of the act.

Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences.

Definitions

The following definitions are provided for guidance only. If a student or other individual believes there has been bullying, hazing, harassment, or other aggressive behavior, regardless of whether it fits a particular definition, the student or other individual should report it immediately and allow the administration to determine the appropriate course of action.

"Aggressive behavior" is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. Such behavior includes, for example, bullying, hazing, stalking, intimidation, menacing, coercion, name-calling, taunting, making threats, and hitting/pushing/shoving.

"At School" is defined as in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event, whether or not it is held on school premises. It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

"Bullying" is defined as any written, verbal, or physical acts, including cyber bullying (i.e. any electronic communication, including, but not limited to electronically transmitted acts, such as internet, telephone or cell phone, computer, or wireless handheld device, currently in use or later developed and used by students) that is perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying or harassment also includes forms of retaliation against individuals who report or cooperate in an investigation under this policy.

Bullying is conduct that meets all of the following criteria:

A. is perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;

B. is directed at one (1) or more students;

C. is conveyed through physical, verbal, technological, or emotional means;

D. substantially interferes with educational opportunities, benefits, or programs of one (1) or more students;

E. adversely affects the ability of a student to participate in or benefit from the School District's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;

F. is based on a student's actual or perceived distinguishing characteristic (see above) or is based on an association with another person who has or is perceived to have any of these characteristics.

Bullying can be physical, verbal, psychological, or a combination of all three. Some examples of bullying are:

A. Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.

B. Verbal – taunting, malicious teasing, insulting, name-calling, making threats.

C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.

"Harassment" is conduct that meets all of the following criteria:

A. repeated or continuing unwanted contact perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;

B. is directed at one (1) or more students or staff;

C. is conveyed through physical, verbal, technological, or emotional means;

D. substantially interferes with educational opportunities, benefits, or programs of one (1) or more students or staff;

E. adversely affects the ability of a student to participate in or benefit from the School District's or public school's educational programs or activities because the conduct, as perceived by the student, is so severe, pervasive, and objectively offensive as to have this effect; and

F. is based on a student or staff's actual or perceived distinguishing characteristic (see above) or is based on an association with another person who has or is perceived to have any of these characteristics.

"Intimidation/Menacing" includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to substantially damage or interfere with a person's property; or to intentionally interfere with or block a person's movement without good reason.

"Staff" includes all school employees and Board members.

"Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and

others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

The scope of this policy includes the prohibition of every form of bullying, harassment, and cyberbullying/harassment, whether in the classroom, on school premises, immediately adjacent to school premises, when a student is traveling to or from school (portal to portal), or at a school-sponsored event, whether or not held on school premises. Bullying or harassment, including cyberbullying/harassment, that is not initiated at a location defined above, is covered by this policy if the incident results in a potentially material or substantial disruption of the school learning environment for one (1) or more students or staff and/or the orderly day-to-day operations of any school or school program.

For further definition and instances that could possibly be construed as:

Harassment, see Policy 5517;

Hazing, see Policy 5516.

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SEXUAL VIOLENCE

5517.02 - **SEXUAL VIOLENCE**

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its education programs and activities. The Board is committed to maintaining an education and work environment that is free from all forms of unlawful harassment, including sexual harassment.

Sexual harassment, including sexual violence, interferes with students' rights to receive an education free from discrimination, and, in the case of sexual violence, is a crime. Pursuant to its Title IX obligations, the Board is committed to eliminating sexual violence in all forms and will take appropriate action against any individual found responsible for violating this policy. To further its commitment against sexual violence, the Board provides reporting options, an investigative and disciplinary process, and other related services as appropriate.

This policy applies to all student complaints, whether filed by a student, his/her parent, an employee, or third party on the student's behalf. It applies to all District operations, programs, and activities, as well as to unlawful conduct occurring on school property or during a Board-sponsored activity. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment.

Definitions

Sexual Harassment

As detailed further in Policy 5517, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Examples include, but are not limited to:

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

B. unwanted physical and/or sexual contact;

C. threats or insinuations implying that a person's conditions of education 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, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;

E. sexually suggestive objects, pictures, videotapes, audio recordings or literature;

F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

H. speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

I. inappropriate boundary invasions into a student's personal space and personal life; and

J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual Violence

Sexual violence, as used in this policy, refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age, intellectual or other disability, or use of drugs or alcohol).

Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student’s ability to participate in or benefit from the school’s program. A single or isolated incident of sexual harassment may create a hostile environment if the incident

is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers."

Superintendent
(734) 856-1443 x 101
6655 Consear Rd.
Ottawa Lake, MI 49267

The names, titles, and contact information of these individuals will be published annually on the School District's website.

The Compliance Officers are available during regular school/work hours to discuss Title IX questions, sexual violence concerns, and to assist students, other members of the School District community, and third parties. Compliance Officers shall accept sexual violence complaints directly from any members of the School District community or a visitor to the District, as well as those initially filed within a school building administrator. Upon receiving a complaint, the Compliance Officer or designee will discuss confidentiality issues with the complainant (and his/her parent, if the complainant is a minor), and open an investigation as described below.

Complaint Procedures

Reporting

Students and Board employees are required, and parents, community members, and third parties are encouraged, to report sexual violence promptly to a teacher, administrator, supervisor, or other school official. Reports can be made orally or in writing, and should be as specific as possible. The person making the report shall identify the alleged victim, perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s). The District, however, will investigate and address all reports to the extent possible.

A student has a right to file criminal and/or Title IX complaints simultaneously. A student does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to sexual violence or any other Title IX concerns may also be filed with the U.S. Department of Education's Office for Civil Rights.

Any teacher, administrator, supervisor, or other school employee or official who receives such a complaint shall file it with the District's Compliance Officer within two (2) school days, and shall comply with his/her mandatory reporting responsibilities. The Compliance Officer will oversee the District's investigation and response to any Title IX-related complaints, but s/he may delegate the investigative process to another individual ("Designee"). The Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy.

Confidentiality

The District respects students' privacy and will only disclose information regarding alleged sexual violence to individuals who are responsible for handling the school's response, the student's parents (if the student is a minor or is considered a dependent under Section 152 of the Internal Revenue Code), or as otherwise required by law. During the course of a formal investigation, the Compliance Officer/designee will instruct all interviewees about the importance of maintaining confidentiality.

Interviewees will be directed not to disclose any information that s/he learns or that s/he provides during the course of the investigation to third parties.

Students or their parents sometimes ask that the students' names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. Upon such a request, the Compliance Officer/designee will inform the student and his/her parent that honoring the request may limit the District's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The official will also explain that Title IX includes protections against retaliation and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Should the student or his/her parents continue to request complete confidentiality, the Compliance Officer/designee will balance the student's privacy request with the District's obligation to provide a safe and non-discriminatory environment for all students. Should the official determine that the District can honor the student's or parent's request and remain in compliance with its Federal and State obligations, the District may limit its investigation and/or formal action against the alleged perpetrator. The District will, however, take other action to address the sexual violence. This may include increasing monitoring and security, offering schedule changes, and conducting climate surveys.

If the Compliance Officer/designee determines that the District must disclose the student's identity to an alleged perpetrator, s/he will inform the student and his/her parents prior to disclosure. The District will then afford interim protection measures to the student as appropriate.

Investigation

The District is committed to investigating all sexual violence complaints in an adequate, reliable, impartial, and prompt manner. The investigation will seek to determine whether the conduct occurred, and if so, what actions the school will take to end the

sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

The investigation may include:

A. interviewing the complainant, perpetrator, and any witnesses;

B. reviewing law enforcement investigation documents;

C. reviewing student and personnel files;

D. gathering and examining other relevant documents or evidence; and

E. providing a disciplinary hearing as needed.

The District affords both parties a balanced and fair process. Specifically, the complainant has the same rights throughout the proceeding as the alleged perpetrator. Both parties, for example, will have an equal opportunity to present relevant witnesses and other evidence at a disciplinary hearing. Likewise, the District's appeal process is available to both parties. The District, however, does not require complainants to be present for the hearing or appeal. Further, the District will not permit parties to personally question or cross-examine each other directly.

In resolving a complaint, the District uses a preponderance of the evidence standard, determining whether it is more likely than not that sexual violence occurred.

Timeline

The Compliance Officer/designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) school days after receipt of a report of sexual violence to advise s/he/them of the Board's intent to investigate the alleged misconduct. The Compliance Officer/designee will also inform the alleged perpetrator of the opportunity to submit a written response to the complaint within five (5) business days. The District's investigation, including a disciplinary hearing process (but not appeal), may take up to sixty (60) calendar days to complete. This timeframe may be extended on a case-by-case basis, depending on the complexity and severity of the matter, criminal investigation requirements, and school breaks. During this period, the District will provide the complainant with periodic updates on the status of the investigation.

Interim Measures

During the investigation, the District will take interim steps to facilitate the complainant's equal access to its education programs. These steps may include, but are not limited to: (1) notifying the complainant of his/her options to avoid contact with the alleged perpetrator; (2) allowing the complainant to change his/her academic, extracurricular, transportation, dining, and working situation as appropriate; and (3) informing complainant of other available resources, such as counseling, legal assistance, and victim advocacy. Specific interim measures will be considered and offered on a case-by-case basis.

Notice

Upon completing its investigation, the District will notify both parties in writing about the outcome of the complaint and any appeal. Specifically, the District will notify the complainant: (1) as to whether the investigation substantiated the allegations; (2) of

individual remedies offered to the complainant; (3) of sanctions imposed on the perpetrator that directly relate to the complainant; and (4) other steps the District has taken to eliminate the hostile environment and prevent recurrence. The alleged perpetrator will be notified of the investigation's result and disciplinary consequence to him/her, if any. The District will not notify the alleged perpetrator about the individual remedies afforded to the complainant. All aforementioned notifications will comply with Federal and State privacy laws, including the Family Education Rights and Privacy Act (FERPA).

Remedies

The District will provide a prompt and equitable resolution. If the investigation substantiates the complaint, the District will take steps to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary consequences on the perpetrator, the District will consider the following individual and global remedies, on a case-by-case basis:

A. providing medical, counseling, and academic support services to the complainant and/or perpetrator;

B. re-arranging schedules at the complainant's request;

C. affording the complainant extra time to complete or retake classes without academic penalty;

D. reviewing any disciplinary proceedings against the complainant;

E. training or retraining employees;

F. developing materials on sexual violence;

G. conducting sexual violence prevention programs; and

H. conducting climate checks.

The District will not offer mediation in cases involving sexual violence. Disciplinary consequences against offenders may include suspension, expulsion, termination, and any other sanctions the Board deems appropriate. Any discipline meted out to offenders will comply with special education and Section 504 laws and regulations.

Appeals Process

Both complainants and perpetrators may appeal the outcome of the investigation. Any appeal opportunities afforded to the alleged perpetrator are also afforded to the complainant. Any party wishing to appeal the outcome of the investigation must submit a written appeal to the Board within ten (10) school days after receipt of the written notice of the outcome of the investigation. The Board shall, within twenty (20) work days, conduct a hearing concerning the appeal. The Board shall provide a written decision to the appealing individual within ten (10) work days following completion of the hearing.

Retaliation

Federal law strictly prohibits retaliation against a complainant or witness. The District will inform the complainant of this prohibition and direct him/her to report retaliation,

whether by students or school officials, to the Compliance Officer. Upon learning of retaliation, school officials will take strong responsive action as appropriate.

Training

All staff will be trained so they know to report harassment to appropriate school officials. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training will be provided to any employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including teachers, school law enforcement unit employees or school resource officers, school administrators, school counselors, and health personnel. Further, school administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained how to conduct such investigations and respond properly to such charges.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy 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, which may include but not be limited to:

A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/ complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;

D. written witness statements;

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

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (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 this policy;

I. dated written determinations/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 this policy;

J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, 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 this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

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., R.C. 3319.321) – 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 shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

T.C. 8/14/17
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T.C. 7/1/21

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po5520

DISORDERLY CONDUCT

5520 - **DISORDERLY CONDUCT**

It is the purpose of the Board of Education, acting within the intent and letter of the laws of this State, to provide instruction for students at public expense. Any act of any person(s) to interfere with or to thwart that purpose is unlawful or is in violation of Board policy. Therefore, actions by a student(s) to interfere materially or substantially with the operations of the School District by defacing or destroying school property, by rioting, breaking-in, sitting-in, lying-in, smashing-in, or picketing to force students not to cross picket lines are illegal. Students who engage in such activities may be punished to the full extent of the law and Board policies and District administrative guidelines promulgated thereunder.

For the purposes of this policy, the term "disorderly conduct" shall mean any unlawful student assemblage; or group act of violence, disruption, vandalism, or building seizure; or interference with the functioning of school personnel or any student or group of students.

po5530

DRUG PREVENTION

5530 - **DRUG PREVENTION**

The Board of Education recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community.

As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

For purposes of this policy, "drugs" shall mean:

A. all dangerous controlled substances as so designated and prohibited by Michigan statute;

B. all chemicals which release toxic vapors;

C. all alcoholic beverages;

D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;

E. "look-alikes";

F. performance-enhancing drugs as determined annually by the Department of Community Health;

G. any other illegal substance so designated and prohibited by law.

In accordance with Federal and State law, the Board hereby establishes a "Drug-Free School Zone" that extends 1000 feet from the boundary of any school property. The Board prohibits the use, possession, sale, concealment, delivery, or distribution of any drug or any drug-related paraphernalia at any time on District property, within the Drug-Free School Zone, or at any District-related event.

Furthermore, the Superintendent shall take the necessary steps so that an individual eighteen (18) years of age or older who knowingly sells, delivers or distributes controlled substances so designated and prohibited by Michigan statute within the Drug-Free School Zone to another person is prosecuted to the fullest extent of the law.

The Superintendent shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

A. emphasize the prevention of drug use;

B. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:

1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;

2. provides information about effective techniques for resisting peer pressure to use illicit drugs, performance- enhancing drugs, and alcohol;

3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;

4. promotes positive emotional health, self-esteem, and respect for one's body;

5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State's Department of Education;

C. include a statement to students that the use of illicit drugs and the unlawful possession, sale, and use of alcohol is wrong and harmful;

D. provide standards of conduct that are applicable to all students which clearly prohibit, at a minimum, the unlawful possession, sale, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;

E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;

G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, sale, use, or distribution of illicit drugs and alcohol by students;

H. require the notification to parents and students that compliance with the standards of conduct is mandatory;

I. provide an annual review of the school district's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;

J. provide for a student assistance program which includes guidelines for preventive, intervention, referral, treatment, and after-care. Such a program must be comprehensive in nature addressing all issues affecting students' academic, social, and emotional well being in the educational setting which may negatively affect behavior and interfere with their ability to learn;

K. establish means for dealing with students suspected of drug use or suspected of possessing, selling, or distributing drugs in school and ensure that the District's policy and administrative guidelines on Search and Seizure AG 5771 and Policy 5771 and Suspension and Expulsion AG 5610 and Policy 5610 are complied with fully.

The Superintendent shall establish administrative guidelines necessary to implement this policy.

po5531

STUDENT ASSISTANCE PROGRAMS

5531 - **STUDENT ASSISTANCE PROGRAMS**

In keeping with its concern for the safety and well-being of both students and staff and for maintaining a school environment that is conducive to learning, the Board of Education has adopted policies related to student conduct in the school setting and has authorized disciplinary measures for the violation of these policies.

The Board seeks to maintain a balance between maintaining a proper educational environment and a compassion for students who suffer from or are victims of intemperate, immoral, or illegal behavior. Educational programs have been established to promote healthful, productive living and discipline shall be maintained to protect students and staff from actions that disrupt teaching and learning. However, the Board recognizes that students may experience difficulties that educational programs and sound discipline may not prevent, and that other forms of assistance need to be available through the school.

The Superintendent is authorized to establish one (1) or more assistance programs for students which provide for effective intervention in areas such as substance abuse, crisis situations, and other situations which impact on students' emotional, mental, or social well-being and affect their ability to benefit from the District's educational program. Administrative guidelines are to be prepared which will ensure that:

A. the rights of both parents and students are protected;

B. staff members are properly trained and skilled for their roles and participate in ways that comply with their certification, licensing, job description, Board policies, and the District's administrative guidelines;

C. outside resource people and agencies are properly certified and/or licensed to provide services and have a history of effective assistance.

po5532

PERFORMANCE-ENHANCING DRUGS/COMPOUNDS

5532 - **PERFORMANCE-ENHANCING DRUGS/COMPOUNDS**

The Board of Education recognizes that the use of dietary supplements that contain performance-enhancing compounds and/or performance-enhancing drugs poses a serious health risk to students.

Accordingly, no staff member, volunteer, or contractor shall knowingly sell, market, distribute, or promote the use of a dietary supplement that contains a performance-enhancing compound or a performance-enhancing drug (e.g., anabolic steroids) to a student with whom the staff member, volunteer, or contractor has contact as a part of his/her duties. Furthermore, the staff member, volunteer, or contractor shall not endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound or a performance-enhancing drug by a student with whom s/he has contact as part of his/her duties.

Use of a performance-enhancing substance regardless of source by a student is a violation that will affect a student's athletic eligibility and extra-curricular participation, as determined by the Board. A list of performance-enhancing substances developed by the State Department of Community Health shall be updated annually and included in AG 2431D. This notice and list shall also be published in the Parent/Student Handbook provided annually.

The Superintendent shall require that the warning notice concerning anabolic steroids as well as a warning notice about dietary supplements that contain a performance-enhancing supplement is installed and properly maintained in each of the District's locker rooms or athletic dressing areas.

po5540

INTERROGATION OF STUDENTS

5540 - **INTERROGATION OF STUDENTS**

The Board of Education is committed to protecting students from harm that may or may not be directly associated with the school environment but also recognizes its responsibility to cooperate with law enforcement and public children's services agencies.

When law enforcement or other authorities arrive at the school and wish to interview a student or investigate an alleged violation of law, they must contact the building administrator indicating the nature of their investigation and their desire to question a student or students.

Investigation of Child Abuse/Neglect Under the Child Protection Act by a Public Children's Services Agency or Law Enforcement Agency

Every Board official and employee who, in connection with his/her position, knows of or suspects child abuse or neglect must immediately report that knowledge or suspicion to a public children's services or law enforcement agency in accordance with Board Policy 8462.

An official of a public children's services agency or law enforcement agency may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency shall be encouraged to contact the student during non-school hours and investigate the matter off school property, if at all possible.

The building administrator shall ask the investigator whether s/he may contact the parents prior to the interview and document the response. Unless the investigator specifically requests that s/he not contact the parents, the building administrator shall attempt to contact the parents prior to questioning.

The building administrator or designated guidance counselor will remain in the room during questioning of the student unless prohibited by the agency investigator.

Investigations of Violations of Law by Law Enforcement Agencies

Law enforcement agencies investigating complaints other than under the Child Protection Act should contact a student during non- school hours and investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property during school hours at the request of the building administrator if the alleged violation of law took place on school property, involves other situations affecting school safety or in emergency situations.

Before the student(s) is (are) questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall remain in the room during the questioning unless compelling reasons for exclusion are provided by the law enforcement agency.

Notification and Release of Records

Attempts to notify the parents regarding investigations of child abuse/neglect and other law enforcement investigations shall be documented.

When an authorized law enforcement officer or the State's children's service agency removes a student, the building administrator shall also notify the parent(s) and the Superintendent.

No school official may release personally identifiable student information in education records to the police or the State's children's services agency without prior written permission of the parent, a lawfully-issued subpoena, a court order or a health or safety emergency. (See Board Policy 8330).

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po5600

STUDENT DISCIPLINE

5600 - **STUDENT DISCIPLINE**

A. Student Discipline – Generally

The Board is committed to providing students and staff with a safe learning environment free from substantial disruption. Consistent with this commitment, the District may discipline students who engage in misconduct, up to and including suspension or expulsion from school.

The District will take steps to effectively discipline students in a manner that minimizes out-of-school suspensions and expulsions. The District will comply with applicable laws related to student discipline, including the consideration of specific factors and possible use of restorative practices.

B. Applicability

This policy applies to student conduct that occurs:

1. on District property;

2. at a school-sponsored or school-related event;

3. on a school bus or vehicle;

4. while traveling to or from school, including at a bus stop; and

5. at any other time or place if the conduct has a nexus to the school, substantially disrupts the school environment, or as permitted by law.

C. Student Code of Conduct

The Superintendent or designee will develop, regularly update, and annually publish a student code of conduct in all student handbooks. The student code of conduct must:

1. identify offenses that may result in discipline;

2. identify possible disciplinary consequences for each offense, which may, if appropriate, include suspension or expulsion;

3. be consistent with applicable state and federal laws and Board Policies; and

4. include a copy of Policy 5600.05 entitled "Suspension from Class, Subject, or Activity by Teacher."

D. Definitions

For purposes of this Policy:

1. "suspend" or "suspension" means a disciplinary removal from school for less than sixty (60) school days;

2. "expel" or "expulsion" means a disciplinary removal from school for sixty (60) or more school days;

3. "restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct; and

4. "Mandatory 7 Factors" means the following:

    a. the student's age;

b. the student's disciplinary history;

c. whether the student has a disability;

d. the seriousness of the behavior;

e. whether the behavior posed a safety risk;

f. whether restorative practices are a better option; and

g. whether lesser interventions would address the behavior.

E. Restorative Practices

Before suspending or expelling a student (except a student who possesses a firearm in a weapon-free school zone), teachers, administrators, and the Board must first determine whether restorative practices would better address the student's misconduct, recognizing the Board's objective of minimizing out-of-school suspensions and expulsions. Likewise, teachers, administrators, and the Board must consider whether restorative practices should be used in addition to the suspension or expulsion. Restorative practices, which may include a victim-offender conference, should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment, and cyberbullying.

All victim-offender conferences must be conducted consistent with state and federal laws and Policies. No student who claims to be the victim of unlawful harassment may be compelled to meet with the alleged perpetrator of the harassment as part of a restorative practice.

F. Discretionary Suspension or Expulsion

Under Michigan law, a suspension of ten (10) or fewer school days is presumed to be reasonable. A suspension of more than ten (10) school days or an expulsion is, in most circumstances, presumed not to be justified. Before imposing a suspension or expulsion, administrators or the Board must consider

the Mandatory 7 Factors.

1. Building Administrators - ten (10) or fewer days

   The Board delegates to all building administrators the authority to suspend a student for up to ten (10) school days, consistent with the student code of conduct.

   A building administrator may also suspend a student for up to ten (10) school days pending further investigation and possible further disciplinary consequences, including a longer-term suspension or expulsion.

   Before exercising this authority, the building administrator must consider the Mandatory 7 Factors.

   Additionally, before suspending a student for any length of time, the building administrator must provide the student due process as described in Policy 5600.01. If the student is a student with a disability, the student's discipline is also subject to Policy 5600.02.

2. Superintendent - Less than sixty (60) school days

   The Board delegates to the Superintendent the authority to suspend a student for less than sixty (60) school days consistent with the student code of conduct. Before exercising this authority, the Superintendent must consider the Mandatory 7 Factors.

   Any time the Superintendent finds that a suspension of more than ten (10) school days is warranted, the Superintendent must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

   Additionally, before suspending a student for any length of time, the Superintendent must provide the student due process as described in Policy 5600.01. If the student is a student with a disability, the student's discipline is also subject to Policy 5600.02.

3. Board - Suspension or Expulsion

   The Board may suspend or expel a student for an offense consistent with

the student code of conduct.

Before exercising this authority, the Board must consider the Mandatory 7 Factors.

Any time the Board finds that a suspension of more than ten (10) school days or expulsion is warranted, the Board must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

Before exercising this authority, the Board must provide the student due process as described in Policy 5600.01. If the student is a student with a disability, the student's discipline is also subject to Policy 5600.02.

G. Criminal Sexual Conduct - Discretionary Suspension or Expulsion

If a student commits criminal sexual conduct, as defined in Revised School Code Section 1311, against another student enrolled in the District and expulsion is not mandatory under Policy 5600, Section H.3, the District may suspend or expel the student even if the student has not been criminally charged, subject to consideration of the Mandatory 7 Factors.

Before exercising this authority, the District must provide the student due process as described in Policy 5600.01. If the student is a student with a disability, the student's discipline is also subject to Policy 5600.02.

H. Mandatory Suspension or Expulsion

Building principals and other administrators must refer all incidents that may result in a mandatory suspension or expulsion to the Superintendent or designee for transmission to the Board. As explained below, the Board recognizes that in some circumstances, it may choose not to suspend or expel a student. Nothing in this section may be construed as limiting the Board's discretion to suspend or expel a student for any offense that the student code of conduct identifies as possibly resulting in suspension or expulsion.

1. Possession of a Dangerous Weapon

a. Possession of a Firearm

If a student possesses a firearm in a weapon-free school zone, the Board will permanently expel the student unless the student

demonstrates, in a clear and convincing manner, at least one (1) of the following:

1. the student was not possessing the firearm to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;

2. the student did not knowingly possess the firearm;

3. the student did not know or have reason to know that the firearm constituted a "dangerous weapon"; or

4. the student possessed the firearm at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one (1) of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

b. Possession of a Dangerous Weapon (Other than a Firearm)

If a student possesses a dangerous weapon (other than a firearm) in a weapon-free school zone, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Board is not required to expel a student for possession of a dangerous weapon (other than a firearm) if the student demonstrates, in a clear and convincing manner, at least one (1) of the following:

1. the student was not possessing the instrument or object to use as a weapon or to deliver, either directly or indirectly, to another

person to use as a weapon;

2. the student did not knowingly possess the weapon;

3. the student did not know or have reason to know that the instrument or object constituted a "dangerous weapon"; or

4. the student possessed the weapon at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one (1) of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

c. Applicable Definitions for Dangerous Weapon Offense

"Weapon-free school zone" means school property and a vehicle used by a school to transport students to or from school property.

"School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

"Dangerous weapon" means a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

"Firearm" means (i) any weapon (including a starter gun) which will or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; (ii) the frame or receiver of any such weapon; (iii) any firearm muffler or firearm silencer; or (iv) any destructive device. "Firearm" does not include an antique firearm, as defined by 18 USC§

921.

"Destructive device" means (i) any explosive, incendiary, or poison gas (including a bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce, mine, or similar device); (ii) any type of weapon (other than a shotgun or a shotgun shell that the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half (1/2) inch in diameter; and (iii) any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

d. Additional Procedures for Dangerous Weapon Expulsion

The Superintendent or designee must ensure that if a student is expelled for possession of a dangerous weapon, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for possession of a dangerous weapon to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age eighteen (18) or is an emancipated minor) of the referral within three (3) calendar days of the expulsion. The Superintendent or designee must also make a referral to local law enforcement and contact the student's parent/guardian immediately any time a student is found to have brought a dangerous weapon to school or possessed a dangerous weapon at school, at a school-related activity, or in a school vehicle. If a District official confiscates a dangerous weapon, the District official will give the dangerous weapon to law enforcement and will not release the dangerous weapon to any other person, including the legal owner.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for possession of a dangerous weapon may not enroll in the District.

2. Arson

If a student commits arson as defined in Revised School Code Section 1311, in a school building or on school grounds, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing arson, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing arson to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age eighteen (18) or is an emancipated minor) of the referral within three (3) calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing arson may not enroll in the District.

3. Criminal Sexual Conduct

If a student commits criminal sexual conduct as defined in Revised School Code Section 1311, in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another student enrolled in the District, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing criminal sexual conduct, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing criminal sexual conduct to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age eighteen (18) or is an emancipated minor) of the referral within three (3) calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing criminal sexual conduct may not enroll in the District.

4. Physical Assault

a. Physical Assault Against Employee, Volunteer, or Contractor

If a student in grade six (6) or above commits a physical assault at school against an employee, volunteer, or contractor and the victim reports the physical assault to the Board or to a school administrator or, if the victim is unable to report the assault, another person makes the report on the victim's behalf, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for physically assaulting an employee, volunteer, or contractor, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for physically assaulting an employee, volunteer, or contractor to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age eighteen (18) or is an emancipated minor) of the referral within three (3) calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311a(5), a student expelled by another district or public school academy for physically assaulting an employee, volunteer, or contractor may not enroll in the District.

b. Physical Assault Against Another Student

If a student in grade six (6) or above commits a physical assault at school against another student and the physical assault is reported to the Board or to an administrator, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade six (6) or above who is currently expelled by another district or public school academy for committing a physical assault against another student may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

c. Applicable Definitions for Physical Assault Against Student

1. "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.

2. "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

5. Bomb Threat or Similar Threat

If a student in grade six (6) or above makes a bomb threat or similar threat directed at a school building, other District property, or at a school-related event, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade six (6) or above, who is currently expelled by another district or public school academy for making a bomb threat or similar threat, may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

I. Statewide School Safety Information Policy (SSSIP) & Law Enforcement Reporting

The Superintendent or designee must notify law enforcement when required by the SSSIP and make all other reports and provide all other notifications required by the SSSIP or any state or federal law. Nothing in this Policy limits the ability of a school administrator to contact law enforcement at any other time.

J. Educational Programming During Suspension or Expulsion

Except as otherwise required by law or as provided in this Policy, a student who has been suspended or expelled may not be on school property, attend classes or other school functions, or participate in extracurricular activities during the student's suspension or expulsion without written permission from the Superintendent or designee. District personnel may assist students who have

been suspended or expelled to explore alternative means, as allowed by law, to earn credit and to complete coursework during the period of the student's suspension or expulsion.

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po5600.01

STUDENT DISCIPLINE - DUE PROCESS

5600.01 - **STUDENT DISCIPLINE - DUE PROCESS**

The District will provide students due process to the extent required by state and federal law before a student is suspended or expelled. All District administrators must respect student due process rights.

If a District administrator determines that an emergency exists that requires the immediate removal of a student from school, the administrator may contact the student's parent/guardian or local law enforcement or take other measures to have the student safely removed from school. The administrator must, as soon as practicable thereafter, follow the procedures outlined in this Policy.

A. Building Administrator - ten (10) or Fewer School Days

Before suspending a student for ten (10) or fewer school days, an administrator must 1) provide the student verbal notice of the offense the student is suspected to have committed, and 2) provide the student an informal opportunity to explain what happened. Except in emergency circumstances, an administrator will not suspend the student unless, after providing the student notice and an opportunity to explain, the administrator is reasonably certain that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence.

B. Superintendent or Designee - fifty-nine (59) or Fewer School Days

Before suspending a student for more than ten (10) school days but less than sixty (60) school days, the Superintendent or designee must provide the parent/guardian or student with 1) written notice of the offense the student is suspected to have committed; 2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and 3) an opportunity for a hearing at which the student may present evidence and witnesses to show that the student did not commit the alleged

offense or that suspension is not an appropriate consequence. The Superintendent or designee will provide the parent/guardian or student at least three (3) calendar days' notice before the hearing. The parent/guardian and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Superintendent or designee will not suspend the student unless, following the hearing, he or she is convinced by a preponderance of the evidence that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence. A parent/guardian or student may appeal the Superintendent's or designee's decision to the Board. The appeal must be submitted to the Board within three (3) calendar days of the decision. The Board will hear the appeal at its next regularly scheduled meeting. The Board's decision is final. The student's suspension will run while the appeal is pending.

C. Board Suspension or Expulsion

Before the Board suspends or expels a student, the Superintendent or designee must provide the parent/guardian or student with 1) written notice of the offense the student is suspected to have committed; 2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and 3) an opportunity for a Board hearing at which the student may present evidence and witnesses to show that the student did not commit the suspected offense or that suspension or expulsion is not an appropriate consequence. The Superintendent or designee will provide the parent/guardian or student at least three (3) calendar days' notice before the hearing. The parent/guardian and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Board will not suspend or expel the student unless, following the hearing, a majority of the Board finds by a preponderance of the evidence that the student committed misconduct that should result in suspension or expulsion under either the student code of conduct or this Policy and that suspension or expulsion is the appropriate consequence. The Board's decision is final.

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po5600.02

STUDENT DISCIPLINE - STUDENTS WITH DISABILITIES

5600.02 - **STUDENT DISCIPLINE - STUDENTS WITH DISABILITIES**

The District will follow all applicable state and federal laws related to disciplining students with disabilities. Students with disabilities are entitled to all due process protections afforded to other students pursuant to Policy 5600. For students with disabilities, the additional procedures and protections in this Policy also apply.

A. Change of Placement

On the date on which the District decides to:

1. expel a student with a disability;

2. suspend a student with a disability for more than ten (10) consecutive school days;

3. suspend a student with a disability for more than ten (10) cumulative school days in the same school year if a pattern of removals exists; or

4. place a student with a disability in an interim alternative educational setting (explained below), the District will notify the student's parent/guardian of that decision, will provide the parent/guardian a copy of applicable procedural safeguards, and will conduct a manifestation determination review (MDR) within ten (10) school days.

B. Manifestation Determination Review

The MDR team, which includes the parent/guardian and relevant members of the student's IEP or Section 504 Team, will determine whether the student's conduct was a manifestation of the student's disability.

1. Conduct Was a Manifestation

   If the conduct was a manifestation of the student's disability, the District must immediately return the student to the placement from which the student was removed unless the parent/guardian and the District agree to change the placement or the student is placed in an interim alternative educational setting for up to forty-five (45) school days (see section C).

   For a student with an IEP, if the conduct was a manifestation of the student's disability, the District must either: 1) conduct a functional behavioral assessment (unless one was previously conducted) and implement a behavior intervention plan for the student; or 2) if a behavior intervention plan was already developed, review and modify the behavior intervention plan to address the conduct at issue.

2. Conduct Was Not a Manifestation

   If the conduct was not a manifestation of the student's disability, the District may proceed with the suspension or expulsion by adhering to the due process requirements in Policy 5600.01.

   If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from recurring.

C. Interim Alternative Educational Setting ("IAES")

The District may remove a student with a disability who engages in any of the following conduct to an IAES for not more than forty-five (45) school days, even if the conduct is a manifestation of the student's disability:

1. carrying a weapon to or possessing a weapon at school, on school premises, or to or at a school function;

2. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function; or

3. inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.

For purposes of this section only, a "weapon" means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. A "weapon" does not include a pocket knife with a blade of less than two and one-half (2½) inches in length.

No student with a disability may be removed to an IAES without first receiving the due process rights afforded under Policy 5600.01.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from continuing.

D. Dangerous Students

The District may remove a dangerous student from school as permitted by law. District administrators must follow all state and federal laws governing the removal of dangerous students with disabilities.

E. Services During Disciplinary Removal or IAES

A student who is eligible for services under the Individuals with Disabilities Education Act (IDEA) who is expelled or suspended for more than ten (10) school days during a school year or placed in a forty-five (45) school day IAES is entitled to receive programs and services, although in a setting other than the regular school setting, that are sufficient to enable the student to participate in the

general education curriculum and to progress toward meeting the goals contained in the student's IEP.

F. Students Not Yet IDEA Eligible

A student who is not currently identified as a student with a disability under the IDEA is entitled to the rights and procedures provided to students with disabilities if the District had knowledge that the student was a student with a disability before the misconduct occurred. The District is deemed to have knowledge that a student was a student with a disability only if: 1) the student's parent/guardian expressed concern in writing to a school administrator that the student needed special education or related services; 2) the student's parent/guardian requested a special education evaluation; or 3) the student's teacher or other District personnel expressed specific concerns about a pattern of behavior demonstrated by the student to the District's special education director or to other supervisory personnel. The District will not be deemed to have knowledge that the student was a student with a disability if: 1) the student's parent/guardian refused to allow the District to evaluate the student; 2) the student's parent/guardian refused special education for the student; or 3) the student was previously evaluated and determined to not be a student with a disability.

This Policy does not provide a comprehensive description of the disciplinary rights and procedures due to students with disabilities. District administrators must ensure that the rights of students with disabilities are protected and all procedures applicable to students with disabilities are followed as required by the IDEA, Section 504 of the Rehabilitation Act, state law, and Board Policy.

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po5600.03

STUDENT DISCIPLINE - REINSTATEMENT FOLLOWING EXPULSION

5600.03 - **STUDENT DISCIPLINE - REINSTATEMENT FOLLOWING EXPULSION**

The District will consider a petition for reinstatement from an expelled student or the parent/guardian consistent with this Policy and Revised School Code Sections 1311 and 1311a.

A. Reinstatement Following Mandatory Permanent Expulsion

The parent/guardian of a student who was in grade five (5) or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon may file a petition for reinstatement sixty (60) school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade five (5) or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon no sooner than ninety (90) school days after the expulsion date.

The parent/guardian of a student who was in grade five (5) or below at the time of expulsion and who was expelled for possessing a dangerous weapon but not for possessing a firearm or threatening another person with a dangerous weapon, or who was expelled for committing arson or criminal sexual conduct, may file a petition for reinstatement at any time. The Board, in its discretion, may reinstate a student who was in grade five (5) or below at the time of expulsion and who was expelled for possessing a dangerous weapon (unless the possession was of a firearm or involved threatening another person with a dangerous weapon) or for committing arson or criminal sexual conduct no sooner than ten (10) school days after the expulsion date.

The parent/guardian of a student (or student, if emancipated or at least eighteen (18) years old) who was in grade six (6) or above at the time of expulsion and who was expelled for 1) possessing a dangerous weapon; 2) committing arson;

3) criminal sexual conduct pursuant to Policy 5600, Section H.3 (mandatory expulsion); or 4) physically assaulting an employee, volunteer, or contractor, may file a petition for reinstatement 150 school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade six (6) or above at the time of expulsion and who was expelled for 1) possessing a dangerous weapon; 2) committing arson; 3) criminal sexual conduct pursuant to 5600, Section H.3; or 4) physically assaulting an employee, volunteer, or contractor, no sooner than 180 school days after the expulsion date.

The parent/guardian (or the student, if emancipated or at least eighteen (18) years old) must prepare and submit the reinstatement petition. The Superintendent or designee will provide a reinstatement petition form, upon request, for the parent/guardian or student to use. The Board may request that the parent/guardian or the student attach additional relevant information to the reinstatement petition.

The Board will appoint a reinstatement committee, consisting of two (2) board members, one (1) administrator, one (1) teacher, and one (1) parent/guardian of a current District student to consider a reinstatement petition no more than ten (10) school days after receiving a reinstatement petition. The Superintendent must prepare and submit information to the reinstatement committee about the circumstances surrounding the student's expulsion and any factors supporting and not supporting reinstatement.

The reinstatement committee must convene, not later than ten (10) school days following its appointment, to 1) review the reinstatement petition and supporting documentation submitted by the parent/guardian or the student; 2) review the information submitted by the Superintendent; and 3) submit to the Board a written recommendation whether the Board should unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement to the student based on consideration of all of the following factors:

1. the extent to which reinstatement would create a risk of harm to other students or District personnel;

2. the extent to which reinstatement would create a risk of District liability or individual liability for the Board or District personnel;

3. the student's age and maturity;

4. the student's school record before the incident that caused the expulsion;

5. the student's attitude concerning the incident that caused the expulsion;

6. the student's behavior since the expulsion and the student's prospects for remediation; and

7. if the petition was filed by a parent/guardian, the degree of cooperation that the parent/guardian has provided the student and the degree of cooperation the parent/guardian can be expected to provide the student if the student is reinstated.

Before making its recommendation, the reinstatement committee may request that the student and the parent/guardian appear in person to answer questions. If the committee recommends that the student be conditionally reinstated, the committee must include in its written recommendation to the Board a list of recommended conditions.

At or before its next regularly scheduled meeting following receipt of the reinstatement committee's recommendation, the Board will consider the recommendation and make a final decision to unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement. The Board may require a student, and if the petition was filed by a parent/guardian, the parent/guardian, to agree in writing to specific conditions to reinstatement including, without limitation, a behavior contract, completion of an anger management program, a "last-chance" agreement, counseling, drug treatment, or a psychological evaluation. The District is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, parents/guardians (or the student, if emancipated or at least eighteen (18) years old) will provide verification that the conditions were satisfied. The Board's decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final.

If the Board denies reinstatement, the parent/guardian or student may not file another petition for reinstatement until 180 school days after the date of the denial unless the Board specifies otherwise at the time of denial.

B. Reinstatement Following Discretionary Permanent Expulsion

Unless otherwise expressly authorized by the Board at the time of a permanent expulsion, a student expelled for reasons other than those resulting in a mandatory permanent expulsion under Policy 5600 may not petition the Board for reinstatement until at least 150 school days after the date of the expulsion, and the student may not be reinstated until at least 180 school days after the date of the permanent expulsion. Upon receipt of a timely reinstatement petition, the Board will hold a hearing at its next regularly scheduled meeting to consider the petition and any information submitted by the parent/guardian or student and the Superintendent or designee in either support of or opposition to the petition. The Board may unconditionally grant, conditionally grant, or deny the reinstatement petition. The District is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, parents/guardians (or students who are emancipated or at least eighteen (18) years old) will provide verification that the conditions were satisfied. The Board's decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final. If the Board denies reinstatement, the parent/guardian or student may not file another petition for reinstatement until at least 180 school days after the date of the denial unless the Board specifies otherwise at the time of denial.

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po5600.04

STUDENT DISCIPLINE - ENROLLMENT FOLLOWING MISCONDUCT AT ANOTHER PUBLIC OR NONPUBLIC SCHOOL

5600.04 - **STUDENT DISCIPLINE - ENROLLMENT FOLLOWING MISCONDUCT AT ANOTHER PUBLIC OR NONPUBLIC SCHOOL**

To the extent permitted by law, the District may deny enrollment to a student who engaged in misconduct in another public or nonpublic school and who seeks to enroll in the District either: 1) before the previous school imposes disciplinary consequences for the misconduct; or (2) while the student is suspended or expelled from the previous public or nonpublic school. The Superintendent or designee must refer the student to the Board if, under the student code of conduct, the student's misconduct in the previous public or nonpublic school would result in a long-term suspension or expulsion from that institution and, in the Superintendent's or designee's opinion, the student's enrollment in the District would jeopardize the safety or welfare of the District or substantially disrupt District operations. The Board will hold a pre-enrollment hearing following the Superintendent's or designee's referral to consider whether the student may enroll and, if so, any conditions on enrollment. The Board will consider any information submitted by the parent/guardian or student and the Superintendent in either support of or opposition to the student's enrollment.

This Policy does not apply to students seeking to enroll who have been expelled for any of the following offenses:

A. possession of a firearm or other dangerous weapon;

B. arson;

C. criminal sexual conduct pursuant to Policy 5600, Section H.3;

D. physical assault on an employee, contractor, or volunteer if student is in grade six (6) or above;

E. physical assault of another student if student is in grade six (6) or above; and

F. a bomb threat or similar threat if student is in grade six (6) or above.

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po5600.05

STUDENT DISCIPLINE - SUSPENSION FROM CLASS, SUBJECT, OR ACTIVITY BY TEACHER

5600.05 - **STUDENT DISCIPLINE - SUSPENSION FROM CLASS, SUBJECT, OR ACTIVITY BY TEACHER**

A teacher may suspend a student from any class, subject, or activity for up to one (1) full school day if the teacher has good reason to believe that the student:

A. intentionally disrupted the class, subject, or activity;

B. jeopardized the health or safety of any of the other participants in the class, subject, or activity; or

C. was insubordinate during the class, subject, or activity.

Any teacher who suspends a student from a class, subject, or activity must immediately report the suspension and its reason to the building principal or designee. If a student is suspended from a class, subject, or activity, but will otherwise remain at school, the building principal or designee must ensure that the student is appropriately supervised during the suspension and, if the student is a student with a disability, that all procedures applicable to students with disabilities are followed.

Any teacher who suspends a student from a class, subject, or activity must, as soon as possible following the suspension, request that the student's parent/guardian attend a parent-guardian-teacher conference to discuss the suspension. The building principal or designee must attend the conference if either the teacher or the parent/guardian requests the building principal's attendance. The building principal or designee must make reasonable efforts to invite a school counselor, school psychologist, or school social worker to attend the conference.

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po5610.02

IN-SCHOOL DISCIPLINE

5610.02 - **IN-SCHOOL DISCIPLINE**

It is the purpose of this policy to provide an alternative to out-of-school suspension. The availability of in-school discipline options is dependent upon the financial ability of the Board of Education to support such programs.

In-school discipline will only be offered at the discretion of the principal for offenses found in the Student Code of Conduct.

The Superintendent is to establish administrative guidelines for the proper operation of such programs and to ensure that appropriate due-process procedures are followed as applicable.

po5630

CORPORAL PUNISHMENT

5630 - **CORPORAL PUNISHMENT**

While recognizing that students may require disciplinary action in various forms, the Board of Education cannot condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to the removal of the student from the classroom or school through suspension or expulsion procedures.

Professional staff as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to:

A. remove a student who refuses to comply with a request to behave or report to the office;

B. quell a disturbance threatening physical injury to self or others;

C. obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

In accordance with State law, corporal punishment shall not be permitted. If any staff member, full-time, part-time, or substitute deliberately inflicts, or causes to be inflicted, physical pain by hitting, paddling, spanking, slapping, or makes use of any other kind of physical force as a means of disciplining a student, s/he may be subject to discipline by this Board and possibly criminal assault charges as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

The Superintendent shall provide administrative guidelines which shall include a list of alternatives to corporal punishment.

po5630.01

STUDENT SECLUSION AND RESTRAINT

5630.01 - **STUDENT SECLUSION AND RESTRAINT**

This policy is intended to provide the framework for organizational supports that result in effective interventions based on team-based leadership, data-based decision-making, continuous monitoring of student behavior, regular universal screening and effective on-going professional development. The District is committed to investing in prevention efforts and to teach, practice and reinforce behaviors that result in positive academic and social outcomes for students.

In the event that staff members need to restrain and/or seclude students, it must be done in accordance with this policy, which is intended to:

A. promote the care, safety, welfare and security of the school community and the dignity of each student;

B. encourage the use of proactive, effective, evidence and research based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all students; and

C. ensure that seclusion and restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel.

In furtherance of these objectives, the District will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the District will include socially valued and measurable outcomes, empirically validated and practical practices, systems that efficiently and effectively support implementation of these practices, and continuous collection and use of data for decision-making.

EMERGENCY SECLUSION

A. **Prohibited Practices and Limitations on Use**

The following practices are prohibited under all circumstances, including emergency situations:

1. confinement of students who are severely self-injurious or suicidal

2. corporal punishment, as defined in M.C.L. 380.1312(1) of the revised school code, 1976 PA 451

3. the deprivation of basic needs

4. anything constituting child abuse

5. seclusion of pre-school children

6. seclusion that is used for the convenience of school personnel

7. seclusion as a substitute for an educational program

8. seclusion as a form of discipline or punishment

9. seclusion as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS

10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition

B. **Definition of Emergency Seclusion**

Seclusion means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of students.

Emergency seclusion is a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others.

To qualify as emergency seclusion, there must be continuous observation by school personnel of the student and the room or area used for confinement:

1. must not be locked

2. must not prevent the student from exiting the area should staff become incapacitated or leave that area

3. must provide for adequate space, lighting, ventilation, viewing, and the safety of the student

4. must comply with State and local fire and building codes

C. **Time and Duration** Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a student to regain control of his/her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended, but generally no longer than:

1. fifteen (15) minutes for an elementary school student;

2. twenty (20) minutes for a middle school or high school student

If an emergency seclusion lasts longer than the suggested maximum times above, the following are required:

1. additional support (which may include change of staff, introducing a nurse or specialist, or additional key identified personnel)

2. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

EMERGENCY RESTRAINT

A. **Prohibited Practices**

The following procedures are prohibited under all circumstances, including emergency situations:

1. mechanical restraint

2. chemical restraint

3. corporal punishment as defined in 380.1312(1) of the revised school code, 1976 PA 451, otherwise known as the Corporal Punishment Act

4. the deprivation of basic needs

5. anything constituting child abuse

6. restraint that is used for the convenience of school personnel

7. restraint as a substitute for an educational program

8. restraint as a form of discipline or punishment

9. restraint as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS

10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition

11. any restraint that negatively impacts breathing, including any positions, whether on the floor, facedown, seated or kneeling, in which the student's physical position (e.g., bent over) is such that it is difficult to breathe, including situations that involve sitting or lying across an individual's back or stomach

12. prone restraint (the restraint of a person face down)

NOTE: School personnel who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take

immediate steps to end the prone restraint.

13. the intentional application of any noxious substance(s) or stimuli that results in physical pain or extreme discomfort

    A noxious substance or stimuli can either be generally acknowledged or specific to the student.

14. physical restraint, other than emergency physical restraint

15. any other type of restraint not expressly allowed

B. **Definition of Restraint**

Restraint means an action that prevents or significantly restricts a student's movement. Physical restraint is intended for the purposes of emergency situations only, in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

Emergency physical restraint is a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provide an opportunity for the student to retain self-control while maintaining the safety of the student and others. An emergency situation requires an immediate intervention. Emergency physical restraint may not be used in place of appropriate less restrictive interventions.

There are three (3) types of restraint: physical, chemical, and mechanical.

1. **Physical restraint** involves direct physical contact.

Restraint does not include actions undertaken for the following reasons:

a. to break up a fight

b. to take a weapon away from a student

c. to briefly hold the student (by an adult) in order to calm or comfort him/her

d. to have the minimum contact necessary to physically escort a student from one area to another

e. to assist a student in completing a task/response if the student does not resist or if resistance is minimal in intensity or duration

f. to hold a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car)

g. to stop a physical assault as defined in M.C.L. 380.1310

h. actions that are an integral part of a sporting event, such as a referee pulling football players off from a pile or similar action

2. **Chemical Restraint** is the administration of medication for the purpose of restraint.

   Restraint does not include administration of medication prescribed by and administered in accordance with the directions of a physician.

3. **Mechanical Restraint** means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

   Restraint does not include the following:

   a. an adaptive or protective device recommended by a physician or therapist (when it is used as recommended)

   b. safety equipment used by the general student population as intended (e.g., seat belts, safety harness on school transportation)

C. **Time and Duration**

Restraint should not be used:

1. any longer than necessary, based on research and evidence, to allow students to regain control of their behavior to the point that the

emergency situation necessitating the use of emergency physical restraint is ended; and

2. generally no longer than ten (10) minutes.

If an emergency restraint lasts longer than ten (10) minutes, all of the following are required:

1. additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel

2. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

USE OF EMERGENCY SECLUSION/RESTRAINT

A. **When to Use Emergency Seclusion/Restraint**

Seclusion/restraint must be used only under emergency situations and if essential. Emergency situation means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

B. **General Procedures for Emergency Seclusion/Restraint:**

1. An emergency seclusion/restraint may not be used in place of appropriate, less restrictive interventions.

2. Emergency seclusion/restraint shall be performed in a manner that is:

a. safe;

b. appropriate; and

c. proportionate to and sensitive to the student's:

1. severity of behavior;

2. chronological and developmental age;

3. physical size;

4. gender;

5. physical condition;

6. medical condition;

7. psychiatric condition; and

8. personal history, including any history of physical or sexual abuse or other trauma.

3. School personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the student or to the safety of others, as soon as possible once the circumstances no longer support such a belief.

4. While using emergency seclusion/restraint, staff must do all of the following:

a. involve key identified personnel to protect the care, welfare, dignity, and safety of the student

b. continually observe the student in emergency seclusion for indications of physical distress and seek medical assistance if there is a concern

c. document observations

d. ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency seclusion/restraint does not interfere with the student's ability to communicate using the student's primary mode of communication

e. ensure that at all times during the use of emergency seclusion/restraint there are school personnel present who can communicate with the student using the student's primary mode of communication

5. Each use of an emergency seclusion/restraint and the reason for each use shall be documented and reported according to the following procedures:

a. document in writing and report in writing or orally to the building administration immediately

b. report in writing or orally to the parent or guardian immediately

c. a report shall be written for each use of seclusion/restraint (including multiple uses within a given day) and the written report(s) provided to the parent or guardian within the earlier of one (1) school day or seven (7) calendar days

6. After any use of an emergency seclusion/restraint, staff must make reasonable efforts to debrief and consult with the parent or guardian, or the parent or guardian and the student (as appropriate) regarding the determination of future actions.

C. **Students Exhibiting a Pattern of Behavior**

If a student exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion/restraint, school personnel should do the following:

1. conduct a functional behavioral assessment

2. develop or revise a PBIS plan to facilitate the reduction or elimination of the use of seclusion/restraint

3. develop an assessment and planning process conducted by a team knowledgeable about the student, including at least:

    a. the parent or guardian

    b. the student (if appropriate)

    c. people who are responsible for implementation of the PBIS plan

    d. people who are knowledgeable in PBIS

4. develop a written emergency intervention plan ("EIP") to protect the health, safety, and dignity of the student. An EIP may not expand the legally permissible use of emergency seclusion/restraint.

The EIP should be developed by a team in partnership with the parent or guardian. The team shall include:

1. a teacher;

2. an individual knowledgeable about legally permissible use of seclusion/restraint; and

3. an individual knowledgeable about the use of PBIS to eliminate the use of seclusion/restraint.

The EIP should be developed and implemented by taking all of the following documented steps:

1. describe in detail the emergency intervention procedures

2. describe in detail the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses

3. inquire of the student's medical personnel (with parent or guardian consent) regarding any known medical or health contraindications for the use of seclusion/restraint

4. conduct a peer review by knowledgeable staff

5. provide the parent or guardian with all of the following, in writing and orally:

    a. A detailed explanation of the PBIS strategies that will reduce the risk of the student's behavior creating an emergency situation.

    b. An explanation of what constitutes an emergency, including examples of situations that would fall within and outside of the definition.

    c. A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion/restraint.

    d. A description of possible discomforts or risks.

    e. A detailed explanation of the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses.

    f. Answers to any questions.

A student who is the subject of an EIP should be told or shown the circumstances under which emergency intervention could be used.

D. **Data Collection and Reporting**

The building administrator shall develop a system of data collection, collect the data and forward all incident reports and data regarding the use of seclusion/restraint to the Executive Director of Special Services.

The data must:

1. be analyzed to determine the efficacy of the school's school-wide system of behavioral support;

2. be analyzed in the context of suspension, expulsion, and dropout data;

3. be analyzed for the purposes of continuous improvement of training and technical assistance toward the reduction or elimination of seclusion/restraint;

4. be analyzed on a schedule determined by the Michigan Department of Education (MDE);`

5. be reported to the MDE, if and as required;

6. include a list of appropriately trained, identified personnel and their levels of:

a. education;

b. training; and

c. knowledge.

NOTE: The District must report to the MDE on the use of seclusion and restraint periodically. MDE will develop guidelines that outline the process for reporting redacted, aggregated data regarding the emergency use of seclusion and restraint.

Training Framework

A comprehensive training framework will be implemented which includes the following:

A. awareness training for all school personnel who have regular contact with students; and

B. comprehensive training for key identified personnel.

All substitute teachers must be informed of and understand the procedures regarding the use of emergency seclusion and emergency restraint. This requirement may be satisfied using online training developed or approved by MDE and online

acknowledgement of understanding and completion of the training by the substitute teacher.

Comprehensive Training for Identified Personnel

Each building administrator will identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with students, key identified personnel who may have to respond to an emergency safety situation must be trained in all of the following:

A. proactive practices and strategies that ensure the dignity of students

B. conflict resolution

C. mediation

D. social skills training

E. de-escalation techniques

F. positive behavioral intervention and support strategies

G. techniques to identify student behaviors that may trigger emergency safety situations

H. related safety considerations, including information regarding the increased risk of injury to students and staff when seclusion or restraint is used

I. instruction in the use of emergency seclusion and emergency physical restraint

J. identification of events and environmental factors that may trigger emergency safety situations

K. instruction on the State policy on the use of seclusion and restraint

L. description and identification of dangerous behaviors

M. methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted

N. types of seclusion

O. types of restraint

P. the risk of using seclusion and restraint in consideration of a student's known and unknown medical or psychological limitations

Q. cardiopulmonary resuscitation and first aid

R. the effects of seclusion and restraint on all students

S. how to monitor for and identify physical signs of distress and the implications for students generally and for students with particular physical or mental health conditions or psychological limitations

T. ways to obtain appropriate medical assistance

GLOSSARY OF TERMS

"Chemical Restraint" means the administration of medication for the purpose of restraint.

"De-escalation Techniques" means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.

"Documentation" means documentation developed by the Michigan Department of Education that is uniform across the State.

"Emergency Situation" means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

"Functional Behavioral Assessment" means an evidence- and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

"Key Identified Personnel" means those individuals who have received the mandatory training described in M.C.L. 380.1307G(B)(I) to (XVI), listed under Comprehensive Training for Identified Personnel above.

“Law Enforcement Officer” means an individual licensed under the Michigan Commission on Law Enforcement Standards Act, M.C.L. 28.601 to 28.615.

"Mechanical Restraint" means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

"Physical Restraint" means restraint involving direct physical contact.

"Positive Behavioral Intervention and Support (PBIS)" means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on student need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all students.

"Positive Behavioral Intervention and Support Plan" means a student-specific support plan composed of individualized, functional behavioral assessment-based

intervention strategies, including, as appropriate to the student, guidance or instruction for the student to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

"Prone Restraint" means the restraint of an individual face down.

"Regularly and Continuously Work Under Contract" means that term as defined in section M.C.L. 380.1230.

"Restraint" means an action that prevents or significantly restricts a student's movement. Restraint does not include the brief holding of a student in order to calm or comfort, the minimum contact necessary to physically escort a student from one area to another, the minimum contact necessary to assist a student in completing a task or response if the student does not resist or resistance is minimal in intensity or duration, or the holding of a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general student population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in M.C.L. 380.1310, or to take a weapon from a student. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

Restraint that negatively impacts breathing means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual's back or stomach.

"School Personnel" includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school. Except for the obligations set out above to document seclusion or restraint, report to/consult with parents, undertake the required actions if a student shows a pattern of behavior, and collect and report data to the state, school personnel does not include a law enforcement officer (as defined above) assigned to regularly and continuously work under contract or under agreement in a public school.

"Seclusion" means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of student.

Adapted from Michigan State Board of Education Policy for the Emergency Use of Seclusion and Restraint adopted in March of 2017

Revised 8/14/17
Revised 12/11/17

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po5710

STUDENT GRIEVANCE

5710 - **STUDENT GRIEVANCE**

The Board of Education recognizes that, as citizens, students have the right to request redress of grievances. Further, the Board believes that the inculcation of respect for lawful procedures is an important part of the educational process. Accordingly, individual and group grievances should be provided for and appropriate appeal procedures implemented.

For purposes of this policy, a student complaint or grievance shall be any such that arises out of actions, procedures, and policies of this Board or its employees or the lack of such policy or procedure.

The Board or its employees will hear the complaints and grievances of the students of this District provided that such complaints and grievances are made according to procedures established by the Superintendent.

po5720

STUDENT ACTIVISM

5720 - **STUDENT ACTIVISM**

It is the policy of the Board of Education to encourage students to express opinions and ideas, take stands, and support policies, publicly or privately, orally and in writing. Students may be given this opportunity for expression through established school media. Such expression should not interfere with the educational program or present a health or safety hazard. Students may advocate change of law or school regulations and pursue their advocacy by due process means.

Students may not use obscenity, slanderous, or libelous statements, or disruptive tactics, or advocate violation of the law or school regulations.

po5722

SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS

5722 - **SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS**

The Board of Education sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, "school-sponsored student media" shall include both student publications and productions. "Student publications" shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing), as well as material in electronic or on-line form (including, but not limited to, websites, web logs ("blogs"), video or audio clips, and newsletters or announcements transmitted by e-mail, wireless broadcast or other similar distribution/dissemination). "Student productions" shall include vocal and theatrical performances, impromptu dramatic presentations, or any electronic media (including, but not limited to, radio and television programs, podcasts, and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). Further, the term "publication" shall include distribution and dissemination of a student publication; and the term "performance" shall include presentation and broadcast of a student production.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to juveniles; speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school

policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

All school-sponsored student publications and productions are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the style and/or content of all school-sponsored student publications and productions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues, but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may prohibit speech that is grammatically incorrect, poorly written, inadequately researched, biased or prejudice, vulgar or profane, or unsuitable for immature audiences.

The Board expressly authorizes the publication/performance of student media outside the school community (i.e., to the general public). See Board Policy 9160.

Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech.

Advertising is permitted in all school-sponsored student publications/productions. The following school-sponsored student publications/productions:

A. yearbook

B. student newspaper

C. athletic programs

D. music programs

Advertisement submitted for publication or inclusion in a production shall be reviewed by the class/activity advisor and/or the building principal for a determination that they are appropriate for juveniles. The Superintendent retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

po5724

PREPARING FOR VOTER REGISTRATION

5724 - **PREPARING FOR VOTER REGISTRATION**

The Board of Education believes that preparing students to assume the responsibilities which our democratic society places on each of its citizens is an important function of the schools. Supplying our high school students with all pertinent information regarding voter registration is one crucial means of meeting this goal.

Accordingly, the Superintendent, using such resources as the high school administration, faculty and student body, local officials, and others the Board of Elections can provide, shall develop a nonpartisan, voter education program for the high school.

The administration of the high schools shall offer to all students who reach the age of majority the opportunity to register as voters.

po5730

EQUAL ACCESS FOR NONDISTRICT-SPONSORED, STUDENT CLUBS AND ACTIVITIES

5730 - **EQUAL ACCESS FOR NONDISTRICT-SPONSORED, STUDENT CLUBS AND ACTIVITIES**

The Board of Education will not permit the use of school facilities by nondistrict-sponsored student clubs and activities or District- sponsored, extra-curricular clubs and activities during instructional hours. During noninstructional time, however, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of the religious, political, philosophical, or other content of the activity.

An application for permission for Nondistrict-Sponsored student clubs and activities to meet on school premises shall be made to the principal, who shall grant permission provided that s/he determines that:

A. the activity has been initiated by students;

B. attendance at the meeting is voluntary;

C. no agent or employee of the District will promote, lead, or participate in the meeting;

D. the meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school;

E. nonschool persons do not direct, conduct, control, or regularly attend the activity.

A student-initiated group granted permission to meet on school premises shall be provided the same rights and access and shall be subject to the same administrative guidelines that govern the meetings of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's gender, religion, race, color, national origin or ancestry, age, disability, height, weight, marital status, social or economic status, and/or any other legally protected characteristic. In addition, there shall be no discrimination on the basis of the religious, political, philosophical, or other content of the speech at the meeting.

The Board will not permit the organization of a fraternity, sorority, or secret society. A student-initiated meeting may be attended by no more than two (2) outside resource person(s). The Superintendent may exclude nonstudents from directing, controlling, or attending any such meetings of students.

A professional staff member may be assigned to attend a student initiated meeting in a custodial capacity but shall not participate in the activity. No professional staff member shall be compelled to attend a student-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

The principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.

po5751

PARENTAL-MARRIED STATUS OF STUDENTS

5751 - **PARENTAL-MARRIED STATUS OF STUDENTS**

Neither marriage nor pregnancy shall be limiting factors for the education of any student in the schools of this District.

The Board of Education's responsibility for the education of all school-age children includes the education of pregnant students, whether married or unmarried. Any variation from continuing regular school classes shall be based upon the assessed needs of such students.

The school may request medical verification of a student's ability to continue in all classes in her program.

po5771

SEARCH AND SEIZURE

5771 - **SEARCH AND SEIZURE**

The Board of Education has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

School Property

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places. In the course of any search, student's privacy rights will be respected regarding any items that are not illegal or against Board policy.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places in the school where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or other certified organizations and is not to be used to search students unless either a warrant or parental permission has been obtained prior to the search.

Student Person and Possessions

The Board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, and the student's disciplinary history.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Reasonable suspicion that a communication device has been used to violate District policies or administrative guidelines shall be subject to disciplinary action and may result in the communication device being confiscated.

Administrators are authorized to arrange for a breath-test instrument, according to the Superintendent's guidelines, for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal. S/He shall attempt to obtain the freely-offered consent of the student to the inspection; however, provided there is reasonable suspicion, s/he may conduct the search without such consent. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The Superintendent shall prepare administrative guidelines to implement this policy.

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po5772

WEAPONS

5772 - **WEAPONS**

The Board of Education prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events, or in a District vehicle without the permission of the Superintendent/principal.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives or any other weapon described in 18 U.S.C 921.

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent is authorized to establish instructional programs on weapons which require students to immediately report knowledge of weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject the student to discipline up to and including suspension or expulsion from school.

The Superintendent/principal will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

Policy exceptions include:

A. weapons under the control of law enforcement personnel;

B. items pre-approved by the building principal as part of a class or individual presentation under adult supervision, if used for the purpose and in the manner approved; (Working firearms and any ammunition will never be approved as part of a presentation.)

C. theatrical props that do not meet the definition of "weapons" above, used in appropriate settings.

This policy will be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

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po5780

STUDENT/PARENT RIGHTS

5780 - **STUDENT/PARENT RIGHTS**

The Board of Education recognizes that students possess not only the right to an education but the rights of citizenship as well.

In providing students the opportunity for an education to which they are entitled, the District shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. The District shall, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of his/her own thoughts.

Attendant to the rights guaranteed to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the guidelines and rules of the District.

The Board realizes that as students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the accompanying responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for his/her education.

Since a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with school rules.

Administrators, counselors, and teachers shall not provide a supporting affidavit for students who have petitioned the court to grant them the status of emancipated minors unless prior approval has been obtained from the Superintendent.

Parents also have rights in the school system to know about their student's educational experience. Specific rights are listed in topic areas of these policies.

In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials means instructional content, regardless of format, that is provided to the student, including printed or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments.

The Superintendent shall, in consultation with parents, develop a procedure addressing the rights of parents and procedures to assure timely response to parental requests to review instructional material. The procedure shall also address reasonable notification to parents and students of their rights to review these materials. See AG 9130A and Form 9130 F3.

This policy shall not supercede any rights under the Family Educational Rights and Privacy Act.

po5820

STUDENT GOVERNMENT

5820 - **STUDENT GOVERNMENT**

The Board of Education acknowledges the importance of offering students the opportunity to participate in self-government within the establishment of the schools.

Students shall have the right to organize, conduct meetings, elect officers and representatives, and petition the Board.

The Board will recognize the Student Council as the official voice of the student body for students in grades 9 – 12 and for the purpose of:

A. giving students practical experience in organizing, planning, and affecting outcomes;

B. developing student leadership;

C. providing a learning experience in democratic decision making;

D. offering another avenue toward the realization of the goals of this District.

The Superintendent shall establish administrative guidelines to implement this policy.

po5830

STUDENT FUND-RAISING

5830 - **STUDENT FUND-RAISING**

The Board of Education acknowledges that the solicitation of funds from students must be limited since compulsory attendance laws make the student a captive donor and may also disrupt the program of the schools.

For purposes of this policy, "student fund-raising" shall include the solicitation and collection of money from students for any purpose and shall include the collection of money in exchange for tickets, papers, or any other goods or services for approved student activities. "Student fund-raising" also includes giving away goods or services, but suggesting a monetary donation.

The Board will permit student fund-raising by students in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools.

Fund-raising by approved school organizations, whose funds are managed by the District, may be permitted in school by the Principal. Such fund-raising that occurs off school grounds may be permitted by the Superintendent.

The Board permits two (2) fund-raisers per week per school that involve the sale of food items and/or beverages that are an exception to the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools regulations for consumption on campus during the school day by students.

Other than approved non-compliant fund-raisers, the food and/or beverage items to be sold for any other fund-raisers by student clubs and organizations, parent groups, or booster clubs and consumed on campus, shall comply with the current USDA Dietary Guidelines for Americans, and the USDA Smart Snacks in Schools nutrition standards, and also be consistent with requirements set forth in Policy 8500 - Food Services.

If approved, fund-raisers that involve the sale of food items or beverages to students on campus must be consistent with regulations established in Policy 8500, Food Services, pertaining to the sale of foods and beverages during food-service hours, whether those food items and beverages are compliant with, or an exception to, the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools nutrition standards.

Use of the name, logo, or any assets of the District, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the Superintendent.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

All crowdfunding activities are subject to AG 6605.

Fund-raising by students on behalf of those school-related organizations and District support organizations, whose funds are not managed by the District, may be permitted on or off school grounds by the Superintendent.

All fund-raising by school-related organizations and District support organizations, both those whose funds are managed by the Fiscal Officer and those whose funds are not managed by the Fiscal Officer, shall be done in accordance with Policy 9211 and Policy 9700.

The Superintendent shall establish administrative guidelines for the solicitation of funds that shall:

A. specify the times and places in which funds may be collected;

B. describe permitted methods of solicitation which do not place undue pressure on students;

C. limit the kind and amount of advertising for solicitation;

D. require that the Board approve the distribution or liquidation of monies remaining in a student activity account when the organization is defunct or disbanded; and

E. limit the number of fund-raising events.

Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection on a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund- raising activity or a product that will be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that will provide a fund-raising activity or a product that will

be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that will be sold as a fund-raiser.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Fiscal Officer at his/her earliest opportunity.

The Superintendent shall distribute this policy and the guidelines which implement it to each organization granted permission to solicit funds.

Revised 2/9/15
Revised 2/8/16

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po5840

STUDENT GROUPS

5840 - **STUDENT GROUPS**

It is the policy of the Board of Education that student groups be recognized as authorized school organizations only if they are approved by the school administration, sponsored by school-approved personnel, composed of members of the current student body, hold the majority of their meetings at school, and have established aims which are educational in nature.

Membership in the organization or operation of any high school fraternity, sorority, or any other secret society as described by law is prohibited throughout the School District. In particular, the Board shall not tolerate any type of gang or gang-related activity to occur on District property or while students are under the auspices of the Board.

po5850

SOCIAL EVENTS

5850 - **SOCIAL EVENTS**

The Board of Education recognizes the value of student social events in enhancing and enriching the educational experience for the children of this community.

The Board will make school facilities available and provide appropriate staff for the conduct of social events within the school facilities which have been approved by the Superintendent and/or the principal.

School social events which take place outside school facilities must be approved by the Board.

As voluntary participants in school social events, students shall be held responsible for compliance with the rules set forth for their conduct, and infractions of those rules will be subject to the same disciplinary measures applicable during the regular school program.

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the rules of the school.

The Superintendent shall develop administrative guidelines for the conduct of student social events which shall include:

A. designation of a staff member who shall be the Board employee responsible for the event;

B. provision for chaperonage, adult supervision, and/or police protection required by the circumstances of the event;

C. provisions for the safety of all students and adults involved.

po5855

STUDENT ATTENDANCE AT SCHOOL EVENTS

5855 - **STUDENT ATTENDANCE AT SCHOOL EVENTS**

The Board of Education encourages students to attend as many school events held after school as possible, without interfering with their school work and home activities. Enthusiastic spectators help to build school spirit and encourage those students who are participating in the event.

However, in order to ensure that students attending as nonparticipants are properly safe-guarded, the Board recommends that all elementary and pre-high school students be accompanied by a parent or adult chaperone when they arrive at the event and throughout its duration. The Board will not be responsible for students if they attend without an adult chaperone.

The Board will continue to provide adequate supervision for all students who are participants in District-sponsored events.

po5870

STUDENT PRODUCTION OF GOODS AND SERVICES

5870 - **STUDENT PRODUCTION OF GOODS AND SERVICES**

It is the policy of the Board of Education that students may produce goods and services for nonprofit community organizations or groups during school hours or in school activities only to the extent that such production furthers the educational development of those students. Care must be exercised by the administration in interpreting this policy to avoid exploitation of the students.

po5880

PUBLIC PERFORMANCES BY STUDENTS

5880 - **PUBLIC PERFORMANCES BY STUDENTS**

The Board of Education recognizes the value to students of sharing their talents and skills with the community through participation and performances in public events.

The Board endorses such performances when:

A. they constitute a learning experience which contributes to the educational program;

B. the circumstances of the event do not pose a threat to the health, safety, and well-being of the students who will be involved.

All requests for public performances by students require the approval of the principal who shall report same to the Board.

The Superintendent shall develop administrative guidelines to implement this policy which include the requirement that parental permission is sought and received before students participate and that the interests of our students are to be protected and guarded against exploitation.

po6107

AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES

6107 - **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES**

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the Board of Education authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from District staff and other persons, as well as between District staff members. The Board further authorizes District staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures. The Superintendent shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with mandates of State and Federal agencies or programs, including Medicaid.

All District staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all District staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

The Superintendent is authorized to develop administrative guidelines concerning the acceptance and distribution/transmission of electronic records and electronic signatures. After giving due consideration to security, the Superintendent may specify the following:

A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored, and the systems

established for those purposes.

B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by any third party used by a person filing a document to facilitate the process.

C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

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po6108

AUTHORIZATION TO USE ELECTRONIC FUND TRANSFERS AND AUTOMATED CLEARING HOUSE ARRANGEMENTS

6108 - **AUTHORIZATION TO USE ELECTRONIC FUND TRANSFERS AND AUTOMATED CLEARING HOUSE ARRANGEMENTS**

In accordance with the provisions of law, the Board of Education authorizes the acceptance and distribution/transmission of electronic fund transfers (EFTs) and automatic clearing house arrangements (ACH). The Superintendent shall put in place measures to protect the integrity and security of such transactions to comply with mandates of State and Federal agencies or programs, including Medicaid.

Definitions

"ACH arrangement" means the agreement between the originator of the ACH transaction and the receiver of the ACH transaction.

"ACH transaction" means an electronic payment, debit, or credit transfer processed through an automated clearing house.

"Automated Clearing House" or "ACH" means a national and governmental organization that has the authority to process electronic payments including, but not limited to, the national automated clearing house association and the Federal reserve system.

"Electronic Transactions Officer" or "ETO" means the Superintendent or another person designated by the Board to have the responsibilities of the ETO as prescribed in the Michigan Electronic Transactions of Public Funds Act.

All District staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all District staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

ACH Transactions and Arrangements

The Superintendent or another employee designated by the ETO is authorized to engage in the electronic transfer of funds and ACH arrangements in accordance with this policy. The Superintendent shall be responsible for overseeing the District's ACH transactions, including payment approval, accounting, reporting, and compliance with this ACH policy.

Internal Controls

The Superintendent is responsible for the disbursement of funds and shall submit appropriate documentation to the Board. Such documentation shall include:

A. information regarding the goods or services purchased;

B. the cost of goods or services;

C. the date of the payment; and

D. departments serviced by the payment.

This documentation shall be contained in the District's electronic general ledger software system or in a separate report to the Board. ACH invoices must be reviewed and approved prior to payment.

The District's system of internal controls (see Policy 6111 - Internal Controls) shall be used to monitor the use of ACH transactions.

The Superintendent is authorized to develop administrative guidelines concerning the use of electronic fund transfers and ACH transactions.

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po6110

GRANT FUNDS

6110 - **GRANT FUNDS**

It is the objective of the Board of Education to provide equal educational opportunities for all students within the District. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the District that would benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs the Superintendent deems would be of aid to the students of this District. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts and communities as a public trust. he Board forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the District shall be used (1) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; (2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds; (3) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or (4) to operate a program of contraceptive distribution in schools.

Grant Proposal Development

A. All grant proposals must support at least one (1) District goal or priority.

B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.

Mandatory Disclosures

The District must promptly disclose whenever they have credible evidence of a violation of Federal criminal law potentially affecting the Federal award including, but not limited to, any fraud, embezzlement, bribery, gratuity violations, identity theft, or sexual assault and exploitation, or a violation of the civil False Claims Act (2 C.F.R. 175.105) regarding the obligation to report credible information related to conduct prohibited by the Trafficking Victims Protection Act, 22 U.S.C. 7104c.

The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and the pass-through entity.

Whistleblower Protections

An employee of the District may not be discharged, demoted, or otherwise

discriminated against as a reprisal for disclosing information to the appropriate agency or individual that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract or grant. See Policy 1411/3211/4211 - Whistleblower Protection and Policy 8900 - Anti-Fraud.

Grant Administration

A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as District policies and administrative guidelines.

B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.

C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations, and objectives, and the terms and conditions of the grant award.

D. The District, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.

E. All Federal funds received by the District will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the District's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The District shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

F. The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.

Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local, and grantor rules, regulations, and assurances as well as District policies and administrative guidelines.

The District shall provide for the following:

A. Identification of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Assistance Listings title and number, Federal award identification number, year the Federal award was issued, and name of the Federal agency or pass-through entity.

B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.

C. Effective control over and accountability for all funds, property, and assets. The District must safeguard all assets and ensure they are used solely for authorized purposes.

D. Further, the District must:

1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;

2. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;

3. evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of the Federal award; and

4. take prompt action when instances of noncompliance are identified.

E. Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. This also includes information the Federal awarding agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

F. Actual expenditures or outlays must be compared with budgeted amounts for each Federal award.

G. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and

accountability including, but not limited to, the following areas:

1. cash management in accordance with 2 C.F.R. 200.305

2. allowability of costs in accordance with subpart E and the terms and conditions of the Federal award

3. conflict of interest

4. procurement

5. equipment management

6. conducting technical evaluations of proposals and selecting recipients

7. compensation and fringe benefits

8. travel

H. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.

I. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the District.

Audit Requirements

A single or program-specific audit (2 C.F.R. 200.514, 2 C.F.R. 200.507) is required for any year if the District expends $1,000,000 or more in Federal awards during the District's fiscal year. When Federal awards expended are less than $1,000,000, the District may be exempt from Federal audit requirements (2 C.F.R. 200.501) for that year. However, in all instances, the District's records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and the Government Accountability Office (GAO).

The District shall:

A. arrange for the audit required in accordance with 2 C.F.R. 200.509 and make sure that the audit is properly performed and submitted in accordance with 2 C.F.R. 200.512;

B. prepare financial statements including the schedule of expenditures of Federal awards in accordance with 2 C.F.R. 200.510;

C. promptly follow up and take corrective action on audit findings, including preparing a summary schedule of prior audit findings and a corrective action plan (2 C.F.R. 200.511); and

D. provide the auditor access to personnel, accounts, books, records, supporting documentation, and any other information needed for the auditor to perform the audit.

Certifications and Records Retention

Financial reports must include a certification, signed by an official who is authorized to legally bind the District. The certification should state:

"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to, violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812"

Each certification must be maintained pursuant to the requirements of 2 C.F.R. 200.334. The District shall retain all Federal award records for three (3) years from the date of submission of the final financial report.

Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. Additionally, taxes, special assessments, levies, fines, and similar revenues raised by a recipient are not program income. Proceeds from the sale of real property, equipment, or supplies are not program income. Finally, license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under the Federal award subject to 37 C.F.R. Part 401 are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the District uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal agency or pass-through entity.

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po6111

INTERNAL CONTROLS

6111 - **INTERNAL CONTROLS**

The Superintendent shall establish, document, and maintain effective internal control over financial grants and awards that provide reasonable assurance that the program and funds are managed in compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of the awards. The District will have a process that provides reasonable assurance regarding the achievement of the following objectives:

A. effectiveness and efficiency of operations;

B. reliability of reporting for internal and external use; and

C. compliance with applicable laws and regulations.

These internal controls should comply with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the

terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the District's internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The District shall:

A. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;

B. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award;

C. take prompt action when instances of noncompliance are identified; and

D. take reasonable cybersecurity and other measures to safeguard protected information including protected "personally identifiable information" (PII) and other types of information. This also includes information the Federal agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

   PII is defined at 2 C.F.R. 200.1 as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual."

   However, the definition of PII is not attached to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

Suggested resources:

A. "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States;

B. "Internal Control Integrated Framework" (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;

C. "Compliance Supplement" issued by the U.S. Office of Management and Budget; and

D. Internal control guidance issued by the U.S. Department of Education.

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CASH MANAGEMENT OF GRANTS

6112 - **CASH MANAGEMENT OF GRANTS**

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The District's payment methods shall minimize the time elapsing between the transfer of funds from the Federal agency or the Michigan Department of Education (MDE) (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The District shall request grant fund payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit payment requests as often as necessary when electronic fund transfers are used or at least monthly when electronic transfers are not used. See the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

A. The timing and amount of the advance payment requested must be as close as is administratively feasible to the actual disbursement by the District for direct program or project costs and the proportionate share of any allowable indirect costs.

B. The District shall make timely payments to contractors in accordance with contract provisions.

C. Whenever possible, advance payment requests by the District must be consolidated to cover anticipated cash needs for all Federal awards received by the recipient from the awarding Federal agency or MDE.

D. If available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on Federal funds before requesting additional cash payments.

E. The District shall account for the receipt, obligation and expenditure of funds.

F. Advance payments will be deposited and maintained in insured accounts whenever possible.

G. Advance payments will be maintained in interest bearing accounts unless the following apply:

1. The District receives less than $250,000 in Federal funding per year.

2. The best available interest-bearing account would not reasonably be expected to earn interest in excess of $500 per year on Federal cash balances.

3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

4. A foreign government or banking system prohibits or precludes interest bearing accounts.

5. An interest-bearing account is not readily accessible (for example, due to public or political unrest in a foreign country).

H. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to $500 per year for administrative costs. Any additional interest earned on Federal funds must be returned annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either the Automated Clearing House ("ACH") network or a Fedwire Funds Service payment.

I. All interest in excess of $500 per year must be returned to PMS regardless of whether the District was paid through PMS. Instructions for returning interest can be found at https://pms.psc.gov/grant-recipients/returning-funds-interest.html.

J. All other Federal funds must be returned to the payment system of the Federal agency. Returns should follow the instructions provided by the Federal agency. All returns to PMS should follow the instructions provided at https://pms.psc.gov/grant-recipients/returning-funds-interest.html.

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po6114

COST PRINCIPLES - SPENDING FEDERAL FUNDS

6114 - **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State, and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

Cost Principles

A cost is reasonable if it does not exceed an amount that a prudent person would incur under the circumstances prevailing when the decision was made to incur the cost. Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

A. whether a cost is generally recognized as ordinary and necessary for the operation or the proper and efficient performance of the Federal award;

B. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal, and other laws and regulations;

C. market prices for comparable costs of goods or services for the geographic area;

D. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students or membership (if applicable), the public at large, and the Federal Government; and

E. the degree to which the cost represents a deviation from the Board of Education's established written policies and procedures for incurring costs whether the cost represents any significant deviation from the established practices or Board of Education policy which may unjustifiably increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

A. the cost is needed for the proper and efficient performance of the grant program;

B. the cost is identified in the approved budget or application;

C. there is an educational benefit associated with the cost;

D. the cost aligns with identified needs based on results and findings from a needs assessment;

E. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the cost is assignable to that Federal award in accordance with the relative benefit received. This standard is met if the cost: is incurred specifically for the Federal award; benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; or is necessary to the overall operation of the District and is assignable in part to the Federal award in accordance with these cost principles mentioned here.

F. Conform to any limitations or exclusions set forth in the cost principles in 2 C.F.R. Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment or as a substantial or essential component of any system or as critical technology as part of any system. Such prohibition also applies to funds generated as program income, indirect cost recoveries, or to satisfy cost share requirements.

G. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.

H. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.

I. Be determined in accordance with generally accepted accounting principles.

J. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those transactions that offset or reduce direct or indirect costs allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; insurance refunds or rebates; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the District relating to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

K. Be not included as a match or cost-share requirements of any other Federally-financed program in either the current or a prior period, unless the specific Federal program authorizes Federal costs to be treated as such.

L. Be adequately documented:

1. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;

2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

M. Administrative closeout costs may be incurred until the due date of the final report(s). If incurred, these costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency.

All other costs must be incurred during the approved budget period. At its discretion, the Federal agency is authorized to waive prior written approvals to carry forward unobligated balances to subsequent budget periods.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to incur financial obligations the funds awarded, including any funds carried forward or other revisions pursuant to 2 C.F.R. 200.308. Prior written approval from the Federal agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods unless waived.

Selected Items of Cost

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

A. Capital expenditures for general purpose equipment, buildings, and land are allowable as direct charges, but only with the prior written approval of the Federal agency or pass-through entity.

B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of $10,000 or more have the prior written approval of the Federal agency or pass-through entity.

C. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are allowable as a direct cost but only with the prior written approval of the Federal agency or pass-through entity.

D. All Federally-funded contracts in excess of $2,000 related to construction, alterations, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 C.F.R. 200.436 and 2 C.F.R. 200.465.

F. When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A-C, capital expenditures will be charged in the period in which the expenditure is incurred or as otherwise determined appropriate and negotiated with the Federal awarding agency.

G. The District may claim the unamortized portion of any equipment written off as a result of a change in capitalization levels by continuing to claim the otherwise allowable depreciation on the equipment, or by amortizing the amount to be written off over a period of years negotiated with the cognizant agency for indirect cost.

H. If the District is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

I. Equipment and other capital expenditures are unallowable as indirect costs.

Statutory requirements may limit the allowability of costs. Any costs that exceed the maximum amount allowed by statute may not be charged to the Federal award. Only the amount allowable by statute may be charged to the Federal award.

Payments made for costs determined to be unallowable by the Federal agency, cognizant agency for indirect costs, or pass-through entity must be refunded (with interest) to the Federal Government.

Prior Written Approval

To avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, the District may seek the prior written approval of the Federal agency (or, for indirect costs, the cognizant agency for indirect costs) before incurring the cost. The absence of prior written approval on any element of cost will not, in itself, affect the reasonableness or allocability of that cost unless prior approval is specifically required for allowability.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect:

The association of costs with a Federal award (rather than the nature of the procurement transaction) determines whether costs are direct or indirect. Costs incurred for the same purpose in like circumstances must be treated consistently as direct or indirect.

A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than $10,0005,000.

If a cost benefits two (2) or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit.

B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective and not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement, not supplant, provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.

2. Individuals involved can be specifically identified with the project or activity.

3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.

4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Michigan Department of Education (MDE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Equipment and other capital expenditures are unallowable as indirect costs.

Timely Obligation of Funds

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment under a Federal award that will result in expenditures by a recipient or subrecipient under a Federal award. This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education ("USDOE") regulations:

If the obligation is for:

A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.

B. Personal services by an employee of the District - when the services are performed.

C. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.

D. Performance of work other than personal services - on the date when the District makes a binding written commitment to obtain the work.

E. Public utility services - when the District receives the services.

F. Travel - when the travel is taken.

G. Rental of property - when the District uses the property.

H. A pre-agreement cost that was properly approved by the Secretary (USDOE) under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All financial obligations must occur during the period of performance. Period of performance means the time interval between the start and end date of a Federal award, which may include one (1) or more budget periods. Identification of the period of performance shall be specific to the Federal award and consistent with 2 C.F.R. 200.211 and does not commit the Federal agency to fund the award beyond the currently approved budget period. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational

institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN. Note, however, that certain Federal awards have specific requirements that restrict the use of funds beyond the initial period of performance.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the agency or the pass-through entity (e.g., MDE) to reimburse for pre-approval expenses.

If a Federal agency or pass-through entity approves an extension, or if the District extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all financial obligations incurred under the award not later than ninety (90) calendar days after the conclusion of the period of performance of the award (or an earlier date as agreed upon by MDE and the District. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

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po6116

TIME AND EFFORT REPORTING

6116 - **TIME AND EFFORT REPORTING**

As a recipient of Federal funds, the District shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation—fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

A. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and

B. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.

Time and Effort Reports

The reports:

A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;

B. are incorporated into the official records of the District;

C. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;

D. encompass both Federally assisted and other activities compensated by the District on an integrated basis;

E. comply with the District's established accounting policies and practices;

F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. The Payroll Office is responsible for the distribution, collection, and

retention of all employee effort reports. Individually reported data will be made available only to authorized auditors.

Reconciliations

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

Applicable Laws, Regulations, and Guidance:
2 C.F.R. 200.430, 200.431

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po6120

SAFETY DEPOSIT BOX

6120 - **SAFETY DEPOSIT BOX**

The Board of Education MAY maintain at least one safety deposit box at a bank selected by the Superintendent. The Board authorizes the Superintendent and Business Manager to sign the signature card for access to each safety deposit box.

po6144

INVESTMENTS

6144 - **INVESTMENTS**

SECTION 1: PURPOSE

The purpose of this policy is to set forth the investment objectives and parameters for the management of public funds of the Whiteford Agricultural School District. This investment policy is designed to safeguard funds on behalf of the District, to assure the availability of operating and capital funds when needed, and provide an investment return competitive with comparable funds and financial market indices.

SECTION 2: SCOPE

In accordance with The Revised School Code of Michigan, Act 451 380.622, 380.1221 and 380.1223, this investment policy applies to all cash and investments held or controlled by the Board on behalf of the District. This policy does not apply to funds related to the issuance of debt where there are other indentures in effect for such funds. Additionally, any future revenues, which have statutory investment requirements conflicting with this Investment Policy and funds held or controlled by Federal or State agencies (e.g., Department of Revenue), are not subject to the provisions of this policy.

SECTION 3: INVESTMENT OBJECTIVES

The primary objectives, in priority order, of investment activities shall be safety, liquidity and yield.

A. Safety of Principal

The foremost objective of this investment program is the safety of the principal of funds. Investment transactions shall be undertaken in a manner to ensure the preservation of capital in the overall portfolio. The objective will be to minimize credit risk and interest rate risk.

1. **Credit Risk** (Custodial Credit Risk and Concentration Credit Risk)

The District will minimize Custodial Credit Risk, which is the risk of loss due to the failure of the security issuer or backer, by: limiting investments to the types of securities listed in Section 9 of this Investment Policy, and pre- qualifying the financial institutions, broker/dealers, intermediaries and advisors with which the District will do business in accordance with Section 7 of this Investment Policy.

The District will minimize Concentration of Credit Risk, which is the risk of loss attributed to the magnitude of the District's investment in a single issuer, by diversifying the investment portfolio so that the impact of potential losses from any one type of security or issuer will be minimized.

2. **Investment Rate Risk**

The District will minimize Interest Rate Risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by: structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities in the open market; and,

investing operating funds primarily in short-term securities, liquid asset funds, money market mutual funds, or similar investment pools and limiting the average maturity in accordance with the District's cash requirements.

3. **Foreign Currency Risk**

The District is not authorized to invest in investments which have this type of risk.

B. Maintenance of Liquidity

The funds shall be managed such that they are available to meet reasonably anticipated cash flow requirements.

C. Yield/Return on Investment

Investment portfolios shall be designed with the objectives of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. It is understood that return on investments is of secondary importance when compared to the safety and liquidity objectives described above.

SECTION 4: MANAGEMENT OF INVESTMENTS

The Business Manager shall be established as the Investment Officer and shall be responsible to oversee the day-to-day management of District investments. The Investment Officer shall be responsible for transferring of appropriate funds to affect

investment transactions, for the investment of operating funds, operating reserves funds, and bond proceeds, consistent with the policy and actions of the Board. Should the Board elect to select an outside investment advisor, such advisor or firm must be registered under the Investment Advisor's Act of 1940.

SECTION 5: STANDARDS OF PRUDENCE

The standard of prudence to be used by the Investment Officer shall be the "Prudent Person" standard and shall be applied in the context of managing the overall investment program. The Prudent Person standard states:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

SECTION 6: ETHICS AND CONFLICTS OF INTEREST

The Investment Officer shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair one's ability to make impartial investment decisions. Also, the Investment Officer shall disclose to the Board any material financial interest in Qualified Institutions that conduct business with the Board or the District, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the District's investment program.

SECTION 7: AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS

Only firms meeting one (1) of the following requirements shall be eligible to serve as Authorized Institutions:

A. The firm must comply with all of the following requirements:

1. primary and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule);

2. capital of no less then $10,000,000;

3. registered as a dealer under the Securities Exchange Act of 1934;

4. a member of the National Association of Securities Dealers (NASD)

5. registered to sell securities in Michigan; and

6. the firm and assigned broker have been engaged in the business of effecting transactions in U.S. government and agency obligations for at least five (5) consecutive years.

B. Public Depositories qualified in accordance with MCL 380.1221, The revised School code of Michigan.

All brokers, dealers, and other financial institutions deemed to be Authorized Institutions shall be provided with current copies of this investment policy and shall provide in return to the Board, certifications of having read, understood, and agreement to comply with this investment policy.

SECTION 8: COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

The Investment Officer shall obtain bids from at least two (2) brokers or financial institutions on all purchases of investment instruments on the secondary market. Overnight sweep investment instruments shall not be subject to this section.

SECTION 9: AUTHORIZED INVESTMENT AND PORTFOLIO COMPOSITION

Investments and Depositories are restricted to those complying with MCL 380.622, 380.1221, and 380.1223. These include:

A. U.S. Treasury obligations which are fully guaranteed by the U.S. government

B. United States Government Agency and Instrumentality obligations

C. Federal Instrumentalities (United States Government-Sponsored Enterprises)

D. certificates of deposit of a public corporation(s) (CDs) in insured depository institutions in accordance with the following conditions:

1. the funds are initially invested through a financial institution that is not ineligible to be a depository of surplus funds belonging to this State under (M.C.L.A. 21.146 (discriminatory lending practices)

2. the financial institution arranges for the investment of the funds in certificates of deposit in one (1) or more insured depository institutions, as defined in 12 U.S.C. 1813, for the account of the school district

3. the financial institution acting as custodian for the school district is insured by an agency of the United States

4. the financial institution acts as custodian for the school district with respect to each certificate of deposit

5. at the same time that the funds are deposited and the certificate or certificates of deposit are issued, the financial institution receives an amount of deposits from customers of other insured depository institutions equal to or greater than the amount of the funds initially invested by the school district through the financial institution

E. Repurchase Agreements

F. Commercial Paper

G. Bankers' Acceptances

H. Registered Investment Companies (Money Market Mutual Funds)

I. Investment pools, as authorized by the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed entirely of instruments that are legal for direct investment by a School District.

SECTION 10: REPORTING

Performance reports shall be prepared at least annually for the Board that shall include securities in the portfolio by class and type, income earned, and market value as of the reporting date. The annual report shall provide all, but not be limited to, the following: a complete list of invested funds, name or type of security in which the funds are invested, the amount invested (purchase price), the maturity date, interest income, maturity value and the interest/discount rate on each investment.

SECTION 11: POLICY CONSIDERATION

A. Any investment held at the time of the implementation of this policy that meets the requirements of MCL 380.622, 380.1221, and 380.1223 but does not meet the guidelines of this policy, shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

B. Amendments: This policy shall be reviewed from time to time. The District Board of Education must adopt any changes to this policy.

The Board may adopt a resolution at its annual organizational meeting, authorizing electronic fund transfers and the Treasurer or the Electronic Transfer Officer (ETO) as authorized agent(s) to complete such transactions on behalf of the Board. The Automatic Clearing House (ACH) authorizing resolution shall include all of the following:

A. That an officer or employee designated by the Treasurer or ETO is responsible for the local unit's ACH agreements, including payment approval, accounting, reporting, and generally for overseeing compliance with the ACH policy.

B. That the officer or employee responsible for disbursement of funds shall submit to the local unit documentation detailing the goods or services purchased, the cost of the goods or services, the date of the payment, and the department levels serviced by payment. This report can be contained in the electronic general ledger software system of the local unit or in a separate report to the governing body of the local unit.

C. A system of internal accounting controls to monitor the use of ACH transactions made by the local unit.

D. The approval of ACH invoices before payment.

E. Any other matters the Treasurer or ETO considers necessary.

(NOTE: Investment professionals utilized by the District should be advised of and consulted on this policy.)

po6145

BORROWING

6145 - **BORROWING**

Upon the initiative of the Board of Education and with the approval of the Department of Treasury or State Department of Education, the Business Manager shall prepare the data and applications regarding the borrowing of funds against State Aid Notes, Tax Anticipation Notes, and Bond Issues. Such borrowing shall be in accordance with the provisions of Section 1225 of the School Code.

Quotations shall be solicited for all short term loans which the Board has authorized. Funds shall be borrowed from the responsible organization offering the most favorable terms, as approved by the Board.

po6146

POST-ISSUANCE COMPLIANCE FOR TAX-EXEMPT AND TAX-ADVANTAGED OBLIGATIONS

6146 - **POST-ISSUANCE COMPLIANCE FOR TAX-EXEMPT AND TAX-ADVANTAGED OBLIGATIONS**

The Board of Education may, from time to time, finance its capital improvements and operations through the issuance of debt obligations that are eligible for tax benefits under the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder ("Treasury Regulations"). Such obligations may include tax exempt obligations and/or obligations eligible for tax credits (direct subsidies to the School District or tax credits to bond owners). All such tax-exempt obligations or tax advantaged obligations are referred to herein as "Obligations," whether in the form of general obligation bonds, revenue bonds, bond anticipation notes, tax anticipation notes, lease-purchase obligations, installment-purchase obligations or otherwise.

This policy and related AG 6146 document practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continue to be eligible to be excluded from gross income for federal income tax purposes or that the Obligations continue to receive tax advantaged treatment. The Federal tax law requirements applicable to each issue of Obligations will be detailed in the nonarbitrage or tax compliance certificate prepared by bond counsel (the "Tax Certificate") and signed by officials of the District and the post closing compliance checklist provided by bond counsel with respect to such issue. This Policy and related AG 6146 establish a permanent, ongoing structure of practices and procedures that will facilitate compliance with the Code, Treasury Regulations and SEC Rule 15c2-12 (the "Rule").

The Board recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations, and is an integral component of the District's debt management.

Accordingly, the analysis of those facts and implementation of this policy and Administrative Guidelines will require on-going monitoring and consultation with an attorney experienced in legal work relating to the issuance of tax-exempt obligations or tax advantaged obligations ("Bond Counsel") and the District's accountants.

This policy and the related AG 6146 do not address any post-issuance compliance requirements under state law. Nor is this Policy and related AG 6146 a substitute, or a replacement, for any Tax Certificate or a post issuance compliance checklist relating to specific Obligations. The District is responsible for compliance with any such Tax Certificate or post-issuance compliance checklist.

This policy may be modified, expanded, abridged, or otherwise amended only by the Board of Education upon consultation with the District's attorney and Bond Counsel, but without any notice to or consent from any trustee, bondholder or any other person.

A. **Investment and Expenditure of Proceeds**

The District's system of internal controls and accounting will be capable of tracking the investment and expenditure of proceeds of Obligations and other amounts subject to special requirements, and the allocation of such proceeds and other amounts to District facilities. Appropriate coding will be developed to identify District facilities (or portions thereof) financed or refinanced by Obligations. Such Administrative Guidelines will ensure that such proceeds are expended only for the purposes authorized by the resolution and, as applicable, referendum, pursuant to which such Obligations were issued and in compliance with the Tax Certificate relating to the Obligations or other instructions of Bond Counsel.

B. **Financed Facilities**

The District will track the use of facilities (or portions thereof) financed or refinanced by Obligations in the private trades or businesses of non-governmental persons. Arrangements for the sale, disposition, lease, sublease, management or other use of more than one percent (1%) of facilities financed or refinanced by Obligations with a term of (i) less than 200 days will be subject to prior review and approval by the Superintendent, and (ii) equal to or greater than 200 days will be subject to prior review and approval by the Superintendent and Bond Counsel. The Superintendent will track the aggregate annual private use (if any) of facilities financed or refinanced by Obligations.

C. **Periodic Review**

The District will periodically review compliance with the requirements of the Code and Treasury Regulations necessary to preserve the tax advantages of such Obligations. Such reviews will include final allocations of proceeds not later than eighteen (18) months after completion of facilities financed or refinanced with proceeds of Obligations and annual reviews to ensure private business use of such facilities does not exceed allowable levels. Such annual review will be conducted in connection with the preparation of the District's audited financial statements.

D. **Potential Non-Compliance**

If the Superintendent, upon any annual review or otherwise, discovers non-compliance with any requirements of the Code or Treasury Regulations necessary to preserve the tax advantages of such Obligations, the Superintendent will, after consultation with the District's attorney and Bond Counsel, take necessary actions to remedy any such non-compliance.

E. **Retention of Professionals; Rebate Analyst**

The District will engage such professionals or consultants as are necessary, in the judgment of the Superintendent, to ensure that the requirements of the Code and Treasury Regulations necessary to preserve the tax advantages of such Obligations are timely met, including, without limitation, the requirement to compute and pay rebatable arbitrage to the United States government or to confirm an exception thereto. The Superintendent will ensure that all information reports or other returns or filings with the United States Department of Treasury or Internal Revenue Service timely will be filed on behalf of the District.

F. **Purchase of Investments**

All investments of the proceeds of Obligations will be purchased at fair market value, as defined in the Code and Treasury Regulations, and will comply with the requirements of the Code and Treasury Regulations relating to yield restriction as advised by Bond Counsel.

G. **Credit Enhancement Transactions**

The Superintendent will consult with Bond Counsel prior to engaging in any post-issuance credit enhancement transactions (i.e., bond insurance or letters of credit) or hedging transactions (i.e., interest rate swaps, caps, etc.) relating to any Obligation.

H. **Subsidy Payments**

The Superintendent will implement proper administrative guidelines to ensure that any federal subsidy payable in respect of any direct-pay tax credit bonds is timely transmitted to the appropriate account of the District including the timely filing of any required return or other documentation.

I. **Post-Issuance Modifications**

The Superintendent will consult with Bond Counsel prior to any modification of the interest rate, maturity date or other material terms of any Obligation.

J. **Records Retention**

The District will retain records sufficient to demonstrate compliance with the requirements of the Code and Treasury Regulations necessary to preserve the tax advantages of such Obligations for the period required by law, presently understood to be the life of the Obligations or any succeeding refunding Obligation plus three (3) years.

K. **Continuing Disclosure**

The Superintendent will implement proper Administrative Guidelines to ensure that the District complies with any undertakings to provide continuing disclosure in accordance with the Rule, including annual filing of operating and financial information and notices of listed "material events." The Superintendent may enter into a contract with a third party to assist the District in complying with its continuing disclosure obligations.

L. **Training and Education**

The Board authorizes the Superintendent and any other person assigned responsibilities under this Policy and the Administrative Guidelines to attend educational seminars and conferences providing training and education on post-

issuance compliance issues at least once a year and will pay the authorized expenses of such person.

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po6150

TUITION INCOME

6150 - **TUITION INCOME**

The Board of Education shall assess tuition for attendance in District schools by students who are not entitled to receive a free, public education in this District and whose enrollment has been approved by the Board.

Tuition rates shall be determined and approved annually by the Board and shall represent the cost per student membership within the limits established by law. Rates will be available before the beginning of the school year or before the student's attendance commences. Charges shall be the maximum permitted by law.

The Superintendent shall be responsible for the assessment and collection of tuition. Tuition billing may be assessed daily in advance of the period for which the billing is made.

po6151

BAD CHECKS

6151 - **BAD CHECKS**

When the District receives a check from a student or parent that, when deposited, is returned marked "insufficient funds", the Superintendent shall provide an opportunity for the payer to make proper payment or to arrange for a satisfactory payment schedule. If payment is not received, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Board of Education's financial institution shall contract with a company to recover the funds.

po6152

STUDENT FEES, FINES, AND SUPPLIES

6152 - **STUDENT FEES, FINES, AND SUPPLIES**

Fees

The Board of Education may assess certain charges to students to cover the costs for extra-curricular and noncredit activities. Such charges might be made for expendable items such as magazines, workbook materials, paperback selections, and laboratory supplies and materials for clubs, independent study or special projects, and as well transportation costs and admission/participation fees for District-sponsored trips and activities.

No student, however, shall be deprived of participation in any mandatory school activity or required curriculum activity due to a lack of financial ability to pay and fees will not be charged for such activities. Extra-curricular activities for which fees will be charged may not be used in determining credit or grades in any course.

A fee shall not exceed the combined cost of the service(s) provided and/or materials used. An accurate accounting of all fees collected and all fees expended shall be provided to the Superintendent or his/her designee for each fee based activity at the conclusion of the activity, along with remission of any fees not expended.

Fines

When school property, equipment, or supplies are damaged, lost, or taken by a student, whether in a regular course or extra-curricular offering, a fine will be assessed.

The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the school libraries will be subject to appropriate fines. Failure to pay the fines may result in loss of privileges.

Any fees or fines collected by members of the staff are to be turned in to the Superintendent's office within twenty-four (24) hours after collection.

In the event the above course of action does not result in the fee being collected, the Board authorizes the Superintendent to take the student and/or his/her parents to Small Claims Court for collection.

Supplies

The District will provide all basic supplies needed by the student to complete the required course curriculum. The student and/or his/her family may choose to purchase their own supplies if they desire to have a greater quantity or quality of supplies, or desire to help conserve the limited resources for use by others. The teacher or appropriate administrator may recommend useful supplies for these purposes.

Payment

For convenience to families, the Board may enter into an agreement with one or more credit card/online payment processing vendors to facilitate online payment of fees, fines, and charges. Parents/guardians or students may elect but are not required to make payments online. Vendors will comply with all Board policies and procedures related to confidentiality and security of information transmitted electronically. Payees

will be notified of any processing or other nominal fees that may be charged for use of an online payment system before the transaction is completed.

Students Experiencing Homelessness - McKinney-Vento Act

No fine or fee shall be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, or attend school, achieve academic success, or cause the student to be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed shall not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another school or school district if applicable.

Immediate enrollment notwithstanding fines or fees shall be extended to extra-curricular and co-curricular activities as well as to academic programming.

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po6200

FUND BALANCE POLICY

6200 - **FUND BALANCE POLICY**

The District's fund balance policy has been adopted in order to address the implications of Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions. This policy is created in consideration of unanticipated events that could adversely affect the financial condition of the District. This policy will ensure that the District maintains adequate fund balances and reserves in order to:

A. provide sufficient cash flow for daily financial needs;

B. secure and maintain investment grade bond ratings;

C. offset significant economic downturns or revenue shortfalls;

D. provide funds for unforeseen expenditures related to emergencies.

This policy and the procedures promulgated under it supersede all previous regulations regarding the District's fund balance and reserve policies.

Fund Balance Reporting in Governmental Funds

Fund balance will be reported in governmental funds under the following categories using the definitions provided by GASB Statement No. 54:

A. **Non-spendable** fund balance includes amounts that cannot be spent because they are either 1) not in spendable form or 2) legally or contractually required to be maintained intact.

   Non-spendable amounts will be determined before all other classifications and consist of the following items (as applicable in any given fiscal year):

   1. The District will maintain a fund balance equal to the balance of any long-term outstanding balances due from others, including other funds of the government.

   2. The District will maintain a fund balance equal to the value of inventory balances and prepaid items.

   3. The District will maintain a fund balance equal to the principal of any permanent funds that are legally or contractually required to be maintained intact.

B. **Restricted** fund balance includes amounts that can be spent only for the specific purposes stipulated by the constitution, external resource providers, or through enabling legislation.

C. **Committed** fund balance includes amounts that can be used only for specific purposes determined by a formal action of the Board of Education.

D. **Assigned** fund balance includes amounts intended to be used by the government for specific purposes but that do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed.

The Board delegates to the Superintendent or his/her designee the authority to assign amounts to be used for specific purposes. Such assignments cannot exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund.

E. **Unassigned** fund balance includes the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications.

Operational Guidelines

The following guidelines address the classification and use of fund balance in governmental funds:

A. Classifying fund balance amounts - Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual governmental fund may include nonspendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The general fund may also include an unassigned amount.

B. Encumbrance reporting - Encumbering amounts for specific purposes for which resources have already been restricted, committed, or assigned should not result in separate display of encumbered amounts. Encumbered amounts for

specific purposes for which amounts have not been previously restricted, committed, or assigned, will be classified as committed or assigned, as appropriate, based on the definitions and criteria set forth in GASB Statement No. 54.

C. Prioritization of fund balance use - When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, and unassigned) amounts are available, it shall be the policy of the District to consider restricted amount to have been reduced first. When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the District that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

D. Minimum unassigned fund balance - The District's fund balance shall not fall below fifteen percent (15%) of the preceding year's expenditures. This minimum fund balance is to protect against cash flow shortfalls related to the timing of the projected revenue receipts and to maintain a budget stabilization commitment.

Implementation and Review

Upon adoption of the policy, the Board authorizes the Director of Finance & Business Services to establish any standards and procedures which may be necessary for its implementation. The policy will be reviewed at least annually and any recommendations for changes will be submitted to the Board.

po6210

FISCAL PLANNING

6210 - **FISCAL PLANNING**

The Board of Education shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the School District and to plan for the financial needs of the educational program. The Board will strive toward maintaining both short and long range projections of District financial requirements.

Accordingly, the Board directs the Superintendent and Business Manager to:

A. include cost estimates in all ongoing financial requirements;

B. prepare a long range year-by-year plan for the maintenance and replacement of facilities and equipment;

C. maintain a plan of anticipated local, State, and Federal revenues;

D. report to the Board any serious financial implications that emerge from the District's ongoing fiscal planning.

In addition, the Board directs the Superintendent and Business Manager to maintain annually a detailed two (2) year forecast of estimated expenditures and revenues.

po6220

BUDGET PREPARATION

6220 - **BUDGET PREPARATION**

The District's operation and educational plan is reflected in its budgets. Each year, the Board of Education will cause to have prepared and then review and approve the following Fund budgets:

A. General Fund

B. Athletic Fund

C. Food Service Fund

D. Durant Debt Fund

E. Debt Retirement Fund

Each budget shall be designed to carry out District operations in a thorough and efficient manner, maintain District facilities properly, and honor continuing obligations of the Board.

The Boards goal is that adequate funds are reserved for the General Fund to maintain a secure financial position whereby the fund equity should not fall below fifteen percent (15%) of the preceding year's expenditures.

A proposed budget requires the critical analysis of every member of the Board prior to approval; once adopted, the budget deserves the support of all members of the Board regardless of their position before its adoption.

The Board directs the Superintendent and Business Manager to present the budgets to the Board along with all available information associated with each budget in sufficient time to allow for proper analysis and discussion prior to the hearing.

When presented to the Board for review and/or adoption, the information shall include, as appropriate:

A. the number and category of staff members for the current and the ensuing year;

B. the proposed expenditure and revenue in each financial category for the ensuing year;

C. the anticipated expenditure and revenue in each financial category for the current year;

D. the actual expenditure, the approved budget, and the revenue in each financial category for the previous year;

E. an estimate of the student enrollment by grades for the ensuing year;

F. the amount of fund equity anticipated at the end of the current year;

G. an appropriations resolution.

po6230

BUDGET HEARING

6230 - **BUDGET HEARING**

The annual budget adopted by the Board of Education represents the Board's position on the allocation of resources required to operate an appropriate system of education. All reasonable means shall be employed by the Board to present and explain that position to all interested parties. The public budget hearing will be conducted in accordance with law.

Each member of the Board and each District administrator shall be sufficiently acquainted with the budget and its underlying purposes to answer questions from members of the public.

The budget approved by this Board will be made available to the public in the form and at the places required by law. A simplified form of the budget may also be prepared annually and may be sent to appropriate parties and distributed to each person attending the annual budget hearing.

A simplified budget may include the expenditure in each major category of current expense for the current year and the coming year and a summary of anticipated receipts as well as a brief explanation of significant increases and decreases from the preceding budget.

The final adoption of the proposed annual budget shall be made by the Board after completion of the public hearing.

po6231

BUDGET IMPLEMENTATION

6231 - **BUDGET IMPLEMENTATION**

The Board of Education places the responsibility of administering the budget, once adopted, with the Superintendent. S/He shall keep the Board informed as to problems or concerns as the budget is being implemented.

The Superintendent shall be authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the budget, limitations stated in Board policies, and within legal authority expressed in State statutes.

Listings of expenditures, appropriate financial reports, and budget comparison reports shall be submitted monthly to the Board to keep members informed as to the status of the budget and overall financial condition of the District.

If, during the fiscal year, it appears to the Superintendent that actual revenues are less than estimated revenues, including the available equity upon which the appropriations from the fund were based, the Superintendent shall present to the Board recommended amendments to the General Appropriations Act that will prevent expenditures from exceeding revenues. Such recommendations shall be in accordance with requirements of the law and provisions of negotiated agreements.

po6320

PURCHASING

6320 - **PURCHASING**

Procurement of all supplies, materials, equipment, and services paid for from District funds shall be made in accordance with all applicable federal and state statutes, Board policies, and administrative procedures. Standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts are established in Policy 1130, Policy 3110, and Policy 4110 – Conflict of Interest.

All procurement transactions shall be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgment.

Each year, the State of Michigan informs the District of the legal amount for purchases which require a formal bidding process of a single item.

It is the policy of the Board that the Superintendent adheres to the following:

A. Seek informal price quotations on purchases that are less than $5000, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the School.

B. When the purchase of, and contract for, single items of supplies, materials or equipment is less than the amount allowed by state statute, but exceeds $5001,

the Superintendent shall, whenever possible, have at least three (3) competitive bids.

Purchases in a single transaction that are in excess of the dollar amount permitted by state statute shall require competitive bids and, whenever possible, have at least three (3) such bids for substantiation of purchase and shall require approval of the Board prior to purchase.

Competitive Bids

Competitive bids are not required for items purchased through the cooperative bulk purchasing program operated by the Michigan Department of Management and Budget pursuant to M.C.L. 18.1263.

Competitive bids are not required for food purchases unless food purchased in a single transaction costs $100,000 or more.

Bids shall be sealed and shall be opened by the Superintendent in the presence of at least one (1) witness. All orders or contracts should be awarded to the lowest responsible bidder; however, consideration can be given to:

A. the quality of the item(s) to be supplied;

B. its conformity with specifications;

C. suitability to the requirements of the school;

D. delivery terms;

E. past performance of vendor.

In addition to the factors above, the Board may consider and provide a preference to bidders:

A. which use a Michigan-based businesses as the primary contractor.

B. which use one (1) or more Michigan-based businesses as subcontractors.

For purposes of this preference, a Michigan-based business means a business that would qualify for Michigan preference for procurement contracts under M.C.L. 18.1268, which requires that the business certifies that, since inception or during the last twelve (12) months, it has done one (1) of the following:

A. filed a Michigan business tax return showing an allocation of income tax base to Michigan

B. filed a Michigan income tax return showing income generated in or attributed to Michigan

C. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury

This preference shall not apply to any procurement or project using federal funds, nor shall it be used if it would violate any federal law or requirements.

The Board reserves the right to reject any and all bids.

Contracts may be awarded by the Superintendent without Board approval for any single item or group of identical items costing less than $5,000. All other contracts require Board approval prior to purchase.

Bid Protest

A bidder who wishes to file a bid protest must file such notice and follow procedures prescribed by the Request For Proposals (RFP) or the individual bid specifications package for resolution. Bid protests must be filed in writing with the Office of the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

General Provisions

The Superintendent is authorized to purchase all items within budget allocations.

The Superintendent is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the District in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

In order to promote efficiency and economy in the operation of the District, the Board requires that the Superintendent periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped, but with staggered delivery dates shall be made a part of the bid specifications.

Before placing a purchase order, the Superintendent shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the District. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

A. opportunity be provided to as many responsible suppliers as possible to do business with the District;

B. a prompt and courteous reception, insofar as conditions permit, be given to all who call on legitimate business matters;

C. where the requisitioner has recommended a supplier, the Superintendent may make alternate suggestions to the requisitioner if, in the Superintendent's judgment, better service, delivery, economy or utility can be achieved by changing the proposed order;

D. upon the placement of a purchase order, the Superintendent shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations.

The Superintendent shall determine the amount of purchase which shall be allowed without a properly-signed purchase order. Employees may be held personally responsible for anything purchased without a properly-signed purchase order or authorization.

The Board may acquire office equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

Procurement – Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (34 CFR 80.36) for the administration and management of Federal grants and Federally funded programs. The District shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative guidelines (AG 6320).

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po6321

NEW SCHOOL CONSTRUCTION, RENOVATION

6321 - **NEW SCHOOL CONSTRUCTION, RENOVATION**

Before commencing construction of any new school building or the major renovation of an existing school building, the Board of Education shall consult on the plans for construction or major renovation regarding school safety issues with the law enforcement agency that is the first responder for the school building at issue. For purposes of this paragraph, school building means any building intended to be used to provide instruction to students and any recreational or athletic structure or field intended to be used by students.

Before beginning construction of a new school building, or an addition, repair, or renovation of an existing school building, except emergency repairs, the Board shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building which exceeds the State statutory limit.

This policy does not apply to buildings, renovations, or repairs costing less than the statutory limit or to repair work normally performed by District employees.

The Board shall advertise for the bids required under subsection:

A. By placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least two (2) weeks on the Department of Management and Budget website on a page on the website, maintained for this purpose or on a website maintained by a school organization and designated by the Department of Management and Budget for this purpose.

B. By submitting the request for bids for placement on the Michigan Department of Management and Budget's website for school organizations, including a link to the District's website.

C. The advertisement for bids shall do all of the following:

1. specify the date and time by which all bids must be received by the Board at a designated location;

2. state that the Board will not consider or accept a bid received after the date and time specified for bid submission;

3. identify the time, date, and place of a public meeting at which the Board or its designee will open and read aloud each bid received by the Board by the date and time specified in the advertisement;

4. state that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Board or the Superintendent of the District. A Board shall not accept a bid that does not include this sworn and notarized disclosure statement.

D. The Board shall require each bidder for a contract under this policy to file with the Board security in an amount not less than one-twentieth (1/20) of the amount of the bid conditioned to secure the District from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the Board.

E. The Board shall not open, consider, or accept a bid that the Board receives after the date and time specified for bid submission in the advertisement for bids as described in subsection C of this policy.

F. At a public meeting identified in the advertisement for bids described in subsection C of this policy, the Board or its designee shall open and read aloud each bid that the Board received at or before the time and date for bid submission specified in the advertisement for bids. The Board may reject any or all bids, and if all bids are rejected, shall readvertise in the manner required by this policy.

The Board may consider and provide a preference to bidders which use a Michigan-based business as the primary contractor and which use one (1) or more Michigan-based business(es) as subcontractors.

For purposes of this preference, a Michigan-based business means a business that would qualify for a Michigan preference for procurement contracts under M.C.L. 18.1268, which requires that the business certifies that, since inception or during the last twelve (12) months, the business has done one (1) of the following:

1. filed a Michigan business tax return showing an allocation of income tax base to Michigan

2. filed a Michigan income tax return showing income generated in or attributed to Michigan

3. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury

This preference shall not apply to any procurement or project using Federal funds, nor shall it be used if it would violate any Federal law or requirements.

G. The competitive bid threshold amount specified in this policy is adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the twelve (12) months ending August 31st of the year in which the adjustment is made differs from that index's average for the twelve (12) months ending on August 31st of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar. The current exempt amount must be confirmed with the Michigan Department of Education prior to issuing contracts for construction, renovation, or repair which exceed the amount listed in this policy.

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po6325

PROCUREMENT - FEDERAL GRANTS/FUNDS

6325 - **PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board of Education policies, and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small businesses, minority businesses and women's business enterprises, veteran-owned businesses, and labor surplus area firms for the administration and management of Federal grants and Federally-funded programs. The District shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320 and AG 6320A.

When required by Federal program legislation, all Federally-funded contracts in excess of $2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3110, and Policy 4110 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. When appropriate, an analysis shall be made between leasing and purchasing property or equipment to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

Competition

All procurement transactions under the Federal award paid for from Federal funds or District matching funds shall be conducted in a manner that provides full and open competition and that is in accordance with 2 C.F.R. Part 200, good administrative practice, and sound business judgment. To ensure objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids from competition for such procurements.

Examples of situations that may restrict competition include, but are not limited to some of the situations considered to be restrictive of competition include, but are not limited to, the following:

A. unreasonable requirements on firms in order for them to qualify to do business;

B. unnecessary experience and excessive bonding requirements;

C. noncompetitive pricing practices between firms or between affiliated companies;

D. noncompetitive contracts to consultants that are on retainer contracts;

E. organizational conflicts of interest;

F. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement; and

G. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless 1) an applicable Federal statute expressly mandates or encourages a geographic preference; or 2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list yearly.

The District shall require that all prequalified lists of persons, firms, or products which are used in procurement transactions are current and include enough qualified sources to provide maximum open competition. When establishing or amending prequalified

lists, the District (or subrecipient) must consider objective factors that evaluate price and cost to maximize competition. The District shall not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the recipient or subrecipient, this subpart does not prohibit recipients or subrecipients from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. This subpart also does not prohibit recipients and subrecipients from making inquiries of bidders about these subjects and 2 C.F.R. Revisions 2024: Unofficial Comparison Version assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable Federal statutes and regulations, and the terms and conditions of the Federal award.
Solicitation Language (Purchasing Procedures)

The District shall have written procurement procedures (in accordance with 2 C.F.R. 200.319(d)) that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured. The description may include a statement of the qualitative nature of the property, equipment, or service to be procured. When necessary, the description must set forth those minimum essential characteristics and standards to which the property, equipment, or service shall conform. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a "brand name or equivalent" description of features to provide procurement requirements may be used. The specific features of the named brand must be clearly stated and the District must identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The District shall have and use documented procedures, consistent with the standards described above for the following methods of procurement:

A. Informal Procurement Methods

Informal procurement methods for small purchases expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under a Federal award does not exceed the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are not required. The informal procurement methods include:

1. Micro-Purchases

   Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed $10,000. To the maximum extent practicable, the District should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable based on research, experience, purchase history, or other relevant information, and maintains documents to support its conclusiondocuments are filed accordingly. The District shall maintain evidence of this reasonableness in the records of all purchases made by this method.

   Unless otherwise defined by State or local law, Districts are responsible for determining and documenting an appropriate micro-purchase threshold in accordance with 2 C.F.R. 200.320(a)(iv) based on internal controls, an evaluation of the risk, and its documented procurement procedures. The micro-purchase threshold used by the District shall be authorized or not prohibited under State, local, or tribal laws or regulations. An eligible District may self-certify a threshold up to $50,000 on an annual basis and must maintain documentation to be made available to the Federal agency or pass-through entity and auditors in

accordance with C.F.R. 200.334. The self-certification, in accordance with C.F.R. 200.334, must include a justification, clear identification of the threshold, and supporting documentation of any of the following: the qualifications listed above.

a. a qualification as a low-risk auditee, in accordance with the criteria in C.F.R. 200.520;

b. an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or

c. For public institutions, a higher threshold is consistent with State law.

2. Small Purchases

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of sealed bids. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

Districts are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the District non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

B. **Formal Procurement Methods**

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in C.F.R. 200.319 or non-competitive procurement. The formal

methods of procurement are:

1. Sealed Bids

   Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than the amount allowed by Michigan statute and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed the amount allowed by Michigan statute.

   In order for sealed bidding to be feasible, the following conditions shall be present:

   1. a complete, adequate, and realistic specification or purchase description is available;

   2. two (2) or more responsible bidders have been identified asare willing and able to compete effectively for the business; and

   3. the procurement lends itself to a firm, fixed-price contract and the selection of the successful bidder can be made principally based on price.

When sealed bids are used, the following requirements apply:

A. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from three (3) qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.

B. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.

C. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

D. A firm, fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the invitation for bids, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts must only be used to determine the low bid when the District determines they are a valid factor based on prior experience indicates that such discounts are usually taken.

E. The Board reserves the right to reject any or all bids, but must document and provide a justification for all bids it rejects for sound documented reason.

F. Proposals

Procurement by proposals is a method in which either a fixed-price or cost-reimbursement contract is awarded. This method is proposals are generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

1. Requests for proposals require public notice, and must identify all evaluation factors and their relative importance. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered any response to the publicized requests for proposals shall be considered to the maximum extent practical.

2. Proposals shall be solicited from an adequate number of sources.

3. The District must have written procedures for conducting technical evaluations and for making selection of the proposals received and for selecting recipients.

4. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the District considering price and other factors program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method cannot be used to purchase other services provided by A/E firms are a potential source to perform the proposed effort.

G. Noncompetitive Procurement

Procurement by noncompetitive proposals may be used only when one (1) or more of the following circumstances apply:

1. the aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;micro-purchases

2. the procurement transaction can only be fulfilled by a single source;

3. the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation

4. the District requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District

5. after soliciting several sources, competition is determined to be inadequate.

Domestic Preference for Procurement

The District should, to the extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards, contracts, and purchase orders under the Federal award.

Procurement of Recovered Materials

The District must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6962.

These requirements include:

A. procuring only items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000;

B. procuring solid waste management services in a manner that maximizes energy and resource recovery; and

C. establishing an affirmative procurement program for the procurement of recovered materials identified in the EPA guidelines.

The District should, to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable.

This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products.

Contract/Price Analysis

The District shall perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the Simplified Acquisition Threshold (currently $250,000). The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, the District should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the District must make independent estimates before receiving bids or proposals. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements. The District must not use the “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the District according to cost principle requirements.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The District uses a time-and-materials type contract only 1) after a determination that no other contract is suitable, and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time-and-materials type contract means a contract whose cost to the District is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Because since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The District will award contracts only to responsible contractors that possess the ability to perform successfully under the terms and conditions of the proposed contract. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as 1) contractor integrity; 2) public policy; 3) compliance; 4) proper classification of employees; 5) record of past performance; and 6) financial and technical resources.

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. Chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over $25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors, at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

Bid Protest

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package for resolution. Bid protests shall be filed, in writing, with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Records Retention

The District must retain all Federal award records for three (3) years from the date of submission of the final financial report. For awards that are renewed quarterly or annually, the District must retain records for three (3) years from the date of submission of the quarterly or annual financial report, respectively. Records to be retained include, but are not limited to, financial records, supporting documentation, and statistical records. Other records retention requirements shall be in accordance with 2 C.F.R. 200.334.

The District must collect, transmit, and store Federal award information in an open file, non-licensed, and machine-readable formats. The District may substitute electronic versions of original paper records through duplication or other forms of electronic conversion, provided that the procedures are subject to periodic quality control reviews. Quality control reviews must ensure that electronic conversion procedures provide safeguards against the alteration of records and assurance that records remain in a format that is readable by a computer system.

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PREVAILING WAGE

6350 - **PREVAILING WAGE**

The Superintendent shall designate a Prevailing Wage Coordinator for the District who shall be tasked with ensuring compliance with State and Federal regulations concerning prevailing wage rate.

The Prevailing Wage Coordinator shall oversee the District's obligations under M.C.L. 480.1101, et seq. including, but not limited to, ensuring the following:

A. A contract for a State Project, entered into pursuant to advertisement and invitation to bid, which requires or involves the employment of Construction Mechanics shall not be approved unless the wage and fringe benefits rate in the contract are not less than the prevailing rates in the Locality in which the work is to be performed.

B. Before advertising for bids on a State Project, the Prevailing Wage Coordinator shall ask the Commissioner to determine the prevailing rates of wages and fringe benefits for all classes of Construction Mechanics called for in the contract.

C. A schedule of these rates shall be made part of the specifications for the work to be performed and shall be printed on the bidding forms.

D. If a contract is not awarded or construction is not undertaken within ninety (90) days of the date of the Commissioner's determination of prevailing rates, the Commissioner must make a redetermination before the contract is awarded.

E. Every contractor and subcontractor must fulfill its obligations under the statute relating to prevailing wages on State Projects.

F. Every contract for a State Project must contain the statutory language providing that Construction Mechanics are intended beneficiaries of the contractual prevailing wage, fringe benefit, and non-discrimination, non-retaliation requirements, and provide that any Construction Mechanic aggrieved by the failure of a contractor or subcontractor to pay prevailing wages or benefits as specified in the contract or retaliation associated therewith, may bring an action in a court of competent jurisdiction against the contractor or subcontractor for damages or injunctive relief along with other remedies prescribed by statute.

G. The District shall maintain certified payroll records and other records required by law for a minimum of three (3) years.

Contracts on State Projects which contain provisions regarding payment of prevailing wages as determined by the United States Secretary of Labor or which contain minimum wage schedules which are the same as prevailing wages in the Locality as determined by collective bargaining agreements or understandings between bona fide organizations of Construction Mechanics and their employers are exempt from the above requirements.

Additionally, the above requirements do not apply to a State Project if it was paid for, in whole or in part, from revenues from a millage that was authorized under the revised school code, if the millage was authorized before February 13, 2024.

Definitions

Commissioner means the Department of Labor and Economic Opportunity.

Construction Mechanic means a skilled or unskilled mechanic, laborer, worker, helper, assistant, or apprentice working on a State Project but shall not include executive, administrative, professional, office, or custodial employees.

Locality means the county, city, village, township, or school district in which the physical work on a State Project is to be performed.

State Project means new construction, alteration, repair, installation, painting, decorating, completion, demolition, conditioning, reconditioning, or improvement of public buildings, schools, works, bridges, highways, or roads authorized by a contracting agent.

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po6420

CONFLICT OF INTEREST

6420 - **CONFLICT OF INTEREST - LEGAL COUNSEL, ADVISORS, OR CONSULTANTS**

A person serving as the legal counsel to the School District or otherwise acting as an advisor or consultant to the Board of Education, who believes or has reason to believe that the s/he has a conflict of interest with regard to a contract or other financial transaction that requires the approval of the Board shall disclose the conflict of interest to the Board before the vote on the contract or other financial transaction.

Such a person is presumed to have conflict of interest if the person or his/her family member has financial interest, or a competing financial interest in the contract or other financial transaction under consideration by the Board.

"Family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse; and includes these relationships as created by adoption or marriage.

Having a child in the District does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the School District.

See Bylaw 0144.3

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po6423

USE OF CREDIT CARDS

6423 - **USE OF CREDIT CARDS**

The Board of Education recognizes the value of an efficient method of payment and recordkeeping for certain expenses.

The Board, therefore, authorizes the use of District credit cards cards. The authorization, handling and use of credit cards have been established to provide a convenient and efficient means to purchase goods and services from vendors. Credit cards, however, shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. The Board affirms that credit cards shall only be used in connection with Board-approved or school-related activities and that only those types of expenses that are for the benefit of the District and serve a valid and proper public purpose shall be paid for by credit card. However, under no circumstances shall credit cards be used for personal purchases or the purchase of alcoholic beverages regardless of whether the purchase of such beverages is made in connection with a meal.

The Superintendent shall develop administrative guidelines that specify those authorized to use credit cards, the types of expenses which can be paid by credit card, and their proper supervision and use. Inappropriate or illegal use of the credit card and/or failure to strictly comply with the limitations and requirements set forth in the administrative guidelines may result in a loss of credit card privileges, disciplinary action, up to and including termination, personal responsibility for any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase, and/or possible referral to law enforcement authorities for prosecution.

The Superintendent shall annually submit for Board approval the position titles authorized to use District credit card(s) in conducting of District business.

The Superintendent shall be responsible for giving direction to and supervising such employees' use of District credit card(s).

po6440

COOPERATIVE PURCHASING

6440 - **COOPERATIVE PURCHASING**

The Board of Education recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this District through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units.

The Board authorizes the Business Manager and Superintendent to negotiate such joint purchase agreements for services, supplies, and equipment which may be determined to be required from time to time by the Board and which the Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

Cooperative or joint purchases require an agreement approved by the Board and the participating contracting body(ies) which shall specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

po6450

LOCAL PURCHASING

6450 - **LOCAL PURCHASING**

The Board of Education recognizes its position as a major purchaser in this community, and while it is the intention of the Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Board prefers to purchase within the District from established local merchants.

The Board authorizes the Superintendent to award purchases placed in accordance with law, this policy, and all policies of the Board otherwise applicable to local merchants when their quotation is competitive within five percent (5%) of the low bid, freight charges are a factor, maintenance service may be required, and/or promptness of delivery is a consideration, provided that all statutes pertaining to public purchasing are duly observed.

po6460

VENDOR RELATIONS

6460 - **VENDOR RELATIONS**

The Board of Education shall not enter a contract knowingly with any supplier of goods or services to this District under which any Board member or officer, employee, or agent of this School District has any pecuniary or beneficial interest, direct or indirect, unless the person has not solicited the contract or participated in the negotiations leading up to the contract. This prohibition shall not prevent any person from receiving royalties upon the sale of any textbook of which the person is the author and which has been properly approved for use in the schools of this District.

For the purpose of this policy, "beneficial interest" shall be determined in accordance with M.C.L. 15.321 et seq.

Board members and school personnel shall not accept any gifts or favors from vendors which might, in any way, influence their recommendations on the eventual purchase of equipment, supplies, or services.

All sales persons, regardless of product, shall clear with the Superintendent's Office before contacting any teachers, students, or other personnel of the School District. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with the policies of the Board on the basis of quality, price, and delivery, with past service a factor if all other considerations are equal.

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po6470

PAYMENT OF CLAIMS

6470 - **PAYMENT OF CLAIMS**

The Board of Education directs the prompt payment of legitimate claims by suppliers of goods and services to the School District.

Each bill or obligation of this Board must be itemized fully, and verified before a warrant can be drawn for its payment.

When an invoice is received, the Business Office shall verify that a voucher is submitted properly, that acceptable goods were received or satisfactory services rendered, that the expenditure is included in the Board's budget and funds are available for its payment, and that the amount of the invoice is correct.

All payments shall be submitted for Board review in the form of a listing that includes the vendor name; the number and amount of the check; and the description of the item.

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po6510

PAYROLL AUTHORIZATION

6510 - **PAYROLL AUTHORIZATION**

The most substantial payment of public funds for the operation of the School District is that which is made to the employees of the Board of Education for services rendered. To ensure that each person so compensated is validly employed by this District and that the compensation remitted fairly represents the services rendered, this policy is promulgated.

Employment of all District personnel whether by the year, term, month, week, day, or hour in contract, temporary, or substitute form must be approved by the Board.

Each motion of the Board to employ or reemploy a staff member shall include the name of the individual, the position title, and the compensation to be paid as prescribed in a negotiated, collective-bargained agreement, or determined by a wage guideline.

Direct Deposit - Payroll Debit Card

Payment of wages shall be by use of direct deposit or payroll debit card, except as provided otherwise pursuant to a collective bargaining agreement.

Employees' selection between payment by direct deposit or electronic transfer and any subsequent change in election shall be done freely, without intimidation, coercion, or fear of discharge or reprisal for the choice.

The Board shall pay any fees or costs incurred in connection with paying wages or establishing a process for paying wages by direct deposit and payroll debit card.

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po6520

PAYROLL DEDUCTIONS

6520 - **PAYROLL DEDUCTIONS**

The Board of Education authorizes in accordance with the provisions of law or upon proper authorization on the appropriate form that deductions be made from an employee's paycheck form for the following purposes:

A. Federal and State income tax

B. Social Security

C. Municipal income tax

D. Public School Employees Retirement System

E. Michigan Public School Employment Retirement System (MPSERS) Tax Deferred Payment (TDP) plan

F. other legally permissible deductions established through an applicable collective bargaining agreement

G. Section 125 deductions (cafeteria plans)

H. direct deposit in a chartered credit union and/or bank

I. contributions to charitable corporations, not-for-profit, and community fund organizations

J. payment of group insurance premiums for a plan in which at least ten percent (10%) of the District employees participate

K. payment for benefits of part-time employees who elect to participate in benefits provided to full-time staff

L. court ordered judgments

M. See Board Policy 2624.01 - Union Activity and Representation concerning deductions for dues or service fees for labor organizations.

To the extent permitted by law and in accordance with the procedures set forth below, the Board declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) of the Internal Revenue Code, and in accordance with the District's administrative guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds.

In any case where the employee designates the agent, broker, or company through whom the Board shall arrange for the placement or purchase of the tax-sheltered annuity, the agent, broker, or company must execute a reasonable service agreement, an information sharing agreement, and/or other similar agreements as determined at the discretion of the District. The service agreement shall include a provision that protects, indemnifies, and holds the District harmless from any liability attendant to procuring the annuity in accordance with provisions of the Internal Revenue Code and other applicable Federal or State law.

The Board may limit the number of participating providers and select approved providers.

The Board, by providing employees with payroll deduction services for annuities, is not providing any financial advice to employees, and is not vouching for the suitability of any investment or any annuity provider. The District assumes no responsibility or liability for any investment decisions or losses with respect to employee annuity purchases.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the Superintendent's Office in writing if they wish to participate in such a program.

Revised 1/13/14
Revised 2/12/24

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po6550

TRAVEL PAYMENT & REIMBURSEMENT

6550 - **TRAVEL PAYMENT & REIMBURSEMENT**

Travel expenses incurred for official business travel on behalf of the Board of Education shall be limited to those expenses reasonably and necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines. Travel costs may include the transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the District.

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall establish mileage rates not exceeding the Federal IRS prescribed mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Conference costs must be appropriate, necessary, and managed to minimize costs to the Federal award.

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the District's travel policy and administrative guidelines. For travel paid for with Federal funds, the travel

authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

All travel shall comply with the travel procedures and rates established in the administrative guidelines. All costs incurred with Federal funds must meet the cost allowability standards within Board Policy 6114.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or designee), must apply to travel under Federal awards.

Revised 2/8/16
Revised 7/11/16

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po6605

CROWDFUNDING

6605 - **CROWDFUNDING**

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the District – be it a specific classroom, grade level, department, school, or curricular or extracurricular activity.

"Crowdfunding" is defined as the solicitation of resources from individuals and/or organizations to support identified activities or projects that enhance the educational program or a specific cause approved by the District. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

All approved crowdfunding activities shall protect the privacy of students, children, and young adults in accordance with District policies and administrative guidelines and applicable State and Federal law, including FERPA and IDEIA.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become the property of the District or school. Cash or equivalent payment to District personnel is prohibited. All fiscal transactions shall comply with appropriate District policies.

All crowdfunding activities are subject to AG 6605.

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po6610

STUDENT ACTIVITY FUND

6610 - **STUDENT ACTIVITY FUND**

It is the purpose of this policy to establish financial controls for the administration of the normal, legitimate, co-curricular and extra- curricular activities of the student body organization.

Each activity covered by this policy must be recognized by the Board of Education before monies can be collected or disbursed in the name of said activity. The Superintendent is directed to obtain annually a list and brief description of the objectives, activities, and limitations of each fund prior to the start of the new fiscal year.

The Board authorizes the maintenance of approved student activity funds. All other activities shall be on a self-sustaining basis.

The Superintendent shall be the Treasurer of the student activities fund.

There may be established in the fund(s) an account for the use of needy students to be disbursed at the discretion of the Superintendent or designee.

Fund raising for all student activities will be in accordance with Board Policy 5830 and Policy 9700.

All monies accumulated in the account of a specific class or activity will, upon the discontinuance of the activity, be disposed of in accordance with the recommendation approved by the Superintendent.

po6621

CHANGE FUND

6621 - **CHANGE FUND**

The Board of Education recognizes the convenience of a change fund in the day-to-day operation of the School District.

The Board authorizes the establishment of a change fund to be in the care of the designated building cashier, who shall be responsible for providing change as needed.

po6680

RECOGNITION

6680 - **RECOGNITION**

The purpose of this policy is to permit the Board of Education to honor its staff, former Board members, and other nonemployee persons with plaques, pins, token retirement gifts and awards, and other amenities.

The Board may, upon recommendation of the Superintendent, consider, as appropriate, the presentation of token gifts to such individuals and groups who have rendered service to the District for a period of time. The use of public funds for the purchase of a plaque, medal, trophy, or other award for the recognition of any employee, volunteer, or student may not exceed $100 per recipient.

The monetary amount for recognition awards will be adjusted annually by the State Department of Instruction. On or before December 15th of each year, the Department will, upon request, provide the adjusted limit or, if the index is unavailable, the Department will provide a reasonable approximation.

The Board authorizes expenses incurred as listed above only when they serve a public purpose. Public purposes include, but are not limited to, the promotion of education, rapport with the business community, community relations, and the encouragement of nonemployees to serve as volunteers as well as furthering other interests.

po6700

FAIR LABOR STANDARDS ACT (FLSA)

6700 - **FAIR LABOR STANDARDS ACT (FLSA)**

It is the Board of Education's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations. The Board will pay at least the minimum wage required by the FLSA to all covered, non-exempt employees. Non-exempt employees are hourly employees or salaried employees who do not qualify for a professional, administrative, computer, or executive exemption under the FLSA. Teachers are generally exempt, even if they are paid on an hourly basis.

Non-exempt employees who work more than forty (40) hours in a given work week will receive overtime pay in accordance with the FLSA for all hours worked in excess of forty (40).

Non-exempt employees who work overtime without prior approval from the Superintendent or a supervisor may be subject to disciplinary action, up to and including termination.

To the extent that an employee's individual contract or collective bargaining agreement provides for greater benefits than mandated by the FLSA, the contract or bargaining agreement will be honored.

Notwithstanding the fact that exempt school employees continue to meet the salary basis requirements and are not disqualified from exemption even if the employee's pay is reduced or the employee is placed on leave without pay for absences for personal reasons or because of illness or injury of less than one (1) workday because accrued leave is not used for specific reasons, the Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability

B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness

C. to offset amounts employees receive as jury or witness fees or for military pay

D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions

E. for penalties imposed in good faith for infractions of safety rules of major significance

The Board shall also not be required to pay the full salary in the initial or terminal week of employment or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Board recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to the Superintendent, Business Manager, or their immediate supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made and the Board will make a good faith commitment to avoid any recurrence of the error.

Reasonable Break Time for Nursing Mothers

As required by Federal law, the District shall take steps necessary to support staff members who decide to breastfeed their infants by providing additional unpaid reasonable break time, as necessary, for a qualified employee to express breast milk for their nursing child, for one (1) year after the child's birth, on District premises.

Prior to returning to work from maternity leave, it shall be the employee's responsibility to notify their supervisor of their intent to continue breastfeeding their infant(s) and of their need to express milk during work hours. Further, it shall be the responsibility of the employee to keep their supervisor informed of their needs in this regard throughout the period of lactation.

The building administrator shall designate a private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public shall be prevented, and one where an employee who is using this area can be shielded from view.

An employee shall be enabled to express milk during regularly scheduled break periods. The Principal or employee's supervisor shall make an accommodation if the time of regular breaks needs to be adjusted or if additional and/or longer breaks are needed. In the event that more breaks are needed or the break(s) need to be longer than legally required, the additional time required shall be unpaid, and the employee's work schedule or work day shall, therefore, be modified accordingly. The Principal or employee's supervisor shall work with the employee to make these necessary modifications.

Notice

Information regarding the Fair Labor Standards Act may be found on the U.S. Department of Labor's website.

This policy is intended to comply with and explain the employees' rights under the Fair Labor Standards Act. To the extent there is any conflict or the policy exceeds the statutory requirements, the statute and its implementing regulations prevail.

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po6800

SYSTEM OF ACCOUNTING

6800 - **SYSTEM OF ACCOUNTING**

It is the policy of the Board of Education that a chart of accounts be established in accordance with the requirements of the State Department of Education for the accounting of all District funds. The Superintendent is responsible for an accounting of all capital assets to protect the financial investment of the District against catastrophic loss. Further, the Superintendent will establish procedures and regulations necessary to properly account for capital assets and comply with generally accepted accounting principles (GAAP) and ensure that the District's capital assets are properly insured.

GASB 84

The District's system of accounting shall comply with all applicable requirements of the Governmental Accounting Standards Board, Statement No. 84 (GASB 84). In accordance with GASB 84, the District will report applicable fiduciary activities as identified in either the private purpose trust fund or the custodial fund. Typically, these activities include recognized student and school-related activity funds held in a bank account maintained by the District. These funds shall be subject to the accounting and requirements specified in the Michigan Public Schools Accounting Manual. An activity not identified as a fiduciary activity under GASB 84 will be deemed a governmental activity and will be reported in a governmental fund.

GASB 54

The Superintendent shall be responsible for the proper accounting of all District funds. S/He shall ensure that expenditures are budgeted under and charged against those accounts which most accurately describe the purpose for which such monies are to be

or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts which most accurately describe the purposes for which such monies are to be or have been spent.

The Superintendent is responsible to implement procedures and practices that will determine: 1) Capitalization policies for District assets (i.e., which assets will be capitalized and depreciated over their estimated useful life versus which assets will be expensed in year of purchase); 2) Methods for calculating annual and accumulated depreciation expense for assets including estimates for asset lives, residual asset values, and depreciation methodology; 3) Procedures for recording gain or loss on sale of capital assets and proceeds from the sale of capital assets in compliance with GAAP Reporting of estimated cash values or replacement values to District insurance providers.

A report of the revenues and expenditures in the fund reporting categories established above shall be made to the Board on a monthly basis by the Superintendent.

The Board's annual financial statements will include information such as: 1) beginning and ending balances of capital assets; 2) beginning and ending balances of accumulated depreciation, 3) total depreciation expense for the fiscal year.

Such reporting shall include description of significant capital asset activity during the fiscal year including: acquisitions through purchase or donation, sales or dispositions including the proceeds and gains or losses on the sale, changes in methods of calculating depreciation expense or accumulated depreciation, such as, estimates of useful life, residual values, depreciation methodology (e.g. straight line or other method).

Before implementing procedures or changing procedures, the Superintendent will review the proposed procedure with the CPA appointed by the Board of Education to

conduct the Board's financial audit. The procedures established shall comply with all statutorily required standards and generally accepted accounting procedures.

Revised 6/13/11

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po6830

AUDIT

6830 - **AUDIT**

The Board of Education requires that, after the close of the fiscal year (June 30th), an audit of all accounts of the District be made annually by an independent, certified public accountant. The audit examination shall be conducted in accordance with generally accepted auditing standards and shall include all funds over which the Board has direct or supervisory control.

The Business Manager shall also prepare and submit two (2) copies of the District's single audit report and management letter to the Monroe County Intermediate School District by October 15th of each year.

The Business Manager shall also file a copy of its annual financial audit report including management letter, with the Michigan Department of Treasury by no later than October 31st of each year.

po6850

PUBLIC DISCLOSURE AND REPORTING

6850 - **PUBLIC DISCLOSURE AND REPORTING**

Within fifteen (15) days after the Board of Education adopts its annual operating budget for the following school fiscal year, or adopts a subsequent revision to that budget, the District shall make all of the following available through a link on its website home page in a form and manner prescribed by the State Department of Education:

A. the annual operating budget and subsequent budget revisions

B. using data that have already been collected and submitted to the department, a summary of District expenditures for the most recent fiscal year for which they are available, expressed in the following two (2) pie charts:

1. a chart of personnel expenditures, broken into the following subcategories:

a. salaries and wages

b. employee benefit costs, including, but not limited to, medical, dental, vision, life, disability, and long-term care benefits

c. retirement benefit costs

d. all other personnel costs

2. a chart of all District expenditures, broken into the following subcategories:

a. instruction

b. support services

c. business and administration

d. operations and maintenance

3. links to all of the following:

a. the current collective bargaining agreement for each bargaining unit within the District

b. each health care benefits plan, including, but not limited to, medical, dental, vision, disability, long-term care, or any other type of benefits that would constitute health care services, offered to any bargaining unit or employee in the District

c. the audit report of the audit for the most recent fiscal year for which it is available

d. the bids required under Section 5 of the Public Employee Health Benefits Act

e. the District's written policy governing procurement of supplies, materials and equipment

f. the District's written policy establishing specific categories of reimbursable expenses for a Board member

g. the District's accounts payable check register for the most recent school fiscal year or a statement of the total amount of expenses incurred by Board members or employees of the District that were reimbursed by the District for the most recent school fiscal year

h. the total salary and a description and cost of each fringe benefit included in the compensation package for the Superintendent of the District and for each employee of the District whose salary exceeds $100,000.00

i. the annual amount spent on dues paid to associations

j. the annual amount spent on lobbying or lobbying services

k. any required deficit elimination plan or enhanced deficit elimination plan

l. identification of all credit cards maintained by the District as District credit cards, including the identity of all persons authorized to use the cards, the credit limit on each card and the dollar limit, if any, for each person's authorized use of the card

m. costs incurred for out-of-state travel by the school administrator that is fully or partially paid for by the District and the details of each instance of such travel, including the identification of each individual on the trip, the destination and the purpose

As used in this subdivision, "lobbying" means that term as defined in Section 5 of 1978 PA 472, M.C.L. 4.415.

The Board shall have an audit of the District's financial and pupil accounting records conducted at least annually at the expense of the District by a certified public accountant or by the Intermediate District Superintendent, as may be required by the State Department of Education. The Board shall retain these records for the current fiscal year and from at least the three (3) immediately preceding fiscal years.

The District's annual financial audit shall include an analysis of the financial and student accounting data used as the basis for distribution of State school aid. The student accounting records and reports, audits, and management letters are subject to requirements established in the auditing and accounting manuals approved and published by the State Department of Education.

Not later than November 1st for reporting the prior fiscal, the District shall file its annual financial audit report with the Intermediate District.

The annual financial audit reports and student accounting procedures reports shall be available to the public in compliance with the Freedom of Information Act.

By November 1st of each year, the District shall submit to the Center for Educational Performance Information (CEPI), in a manner prescribed by the CEPI, annual comprehensive financial data consistent with accounting manuals and charts of accounts approved and published by the Department. This submission shall contain the District's web address where the required financial data is posted. The District shall also include a link on its websites to the website where the State Department of Education posts this financial information.

By September 30th of each year, the District shall file with the State Department of Education the special education actual cost report on a form and in a manner as prescribed by the State Department of Education.

The District shall provide to the State Department of Education an annual progress report on the implementation of school improvement plans, curriculum, and accreditation as required by "Public Act 25 of 1990."

The District shall comply with the reporting requirements under State and Federal law, including reports to the Center for Educational Performance and Information (CEPI), as set forth by State law and as directed by CEPI. This shall include by:

A. June 30th of each year, providing CEPI with information related to safety practices and criminal incidents;

B. the first business day in December and June 30th of each year, providing CEPI with requested information related to educational personnel;

Not later than five (5) weeks after the student membership count day, providing CEPI in a manner prescribed by the CEPI, the information necessary for the preparation of the District and high school graduation report.

C. October 7th of each year, providing CEPI with the transportation expenditure report;

D. Before July 7th of each school fiscal year, providing to CEPI the budgetary assumptions used when adopting the annual budget pursuant to the Uniform Budgeting and Accounting Act.

The assumptions do not need to be submitted, however, if the District had a positive general fund balance of at least five percent (5%) of total general fund revenues for each of the two (2) most recently completed fiscal years.

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po7217

WEAPONS

7217 - **WEAPONS**

The Board of Education prohibits visitors from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board-owned vehicle.

The Board has a constitutional and statutory obligation to provide a free and appropriate education to all students who qualify. This includes the obligation to provide a safe and secure learning environment. The presence of dangerous weapons on school property or at school-sponsored events, except under very controlled circumstances, creates a potentially dangerous situation for students, staff and visitors, and may trigger precautionary safety responses which disrupt the educational process and learning environment for students.

The Board, therefore, prohibits weapons on school property and at school-sponsored events due to reasonably related legitimate educational concerns, including the ability to provide a safe and secure learning and social environment for its students and controlling and minimizing disruptions to the educational process.

Federal law establishes a "Weapon-Free School Zone" that extends 1,000 feet from the boundary of any school property.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including spring, air and gas-

powered guns (whether loaded or unloaded), that will expel a BB, pellet, or paintball, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives or any other weapon described in 18 U.S.C. 921.

This prohibition applies regardless of whether the visitor is otherwise authorized by law to possess the weapon, including if the visitor holds a concealed weapons permit. The following are the exceptions to this policy:

A. weapons under the control of law enforcement personnel;

B. items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved (working firearms and ammunition shall never be approved);

C. theatrical props that do not meet the definition of "weapon" above, used in appropriate settings;

D. starter pistols used in appropriate sporting events.

These restrictions shall not apply in the following circumstances to persons who are also properly licensed to carry a concealed weapon:

A. A parent or legal guardian of a student of the school may carry a concealed weapon while in a vehicle on school property if the parent or legal guardian is dropping the student off at the school or picking up the student from the school, and any person may carry a concealed weapon solely in the parking lot.

B. A county corrections officer, a member of a Sheriff's posse, a police or sheriff reserve or auxiliary officer, a State Department of Corrections parole or corrections officer, a private investigator, a Michigan State Police motor carrier officer or Capitol security officer, a State court judge, a security officer required by the employer to carry a concealed weapon while on the premises, a court officer, or a parole, probation, or corrections officer or absconder recovery unit member of the Department of Corrections, if that individual has obtained a Michigan Department of Corrections weapons permit.

C. A retired police or law enforcement officer, a retired Federal law enforcement officer, a retired State court judge, a retired corrections officer of a county sheriff's department, if that individual has received county sheriff approved weapons training, or a retired parole, probation, or corrections officer or retired absconder recovery unit member of the Department of Corrections, if that individual has obtained a Michigan Department of Corrections weapons permit.

Revised 8/10/09
Revised 2/8/16
Revised 7/11/16

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po7230

GIFTS, GRANTS, AND BEQUESTS

7230 - **GIFTS, GRANTS, AND BEQUESTS**

The Board of Education is duly appreciative of public interest in and good will toward the schools manifested through gifts, grants, and bequests. The Board reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest which it considers appropriate; and to reject those which it deems inappropriate or unsuitable. If accepted, the Board will attempt to carry out the wishes of the donor.

Gifts, grants, and bequests shall become the property of the Board and will be subject to use by the District as determined by the policies and administrative guidelines applying to all properties, equipment, materials, and funds owned by the Board.

Any equipment purchased by a parent organization for use in the school or at a District-related event shall be submitted to the Board, prior to purchase, so it can determine if the District would incur any liability by its use.

The Board reserves the right to not accept such liability and thus deny the use of the equipment by students or District employees.

po7250

COMMEMORATION AND NAMING OF SCHOOL FACILITIES

7250 - **COMMEMORATION AND NAMING OF SCHOOL FACILITIES**

Commemoration

From time-to-time, the Board of Education may wish to commemorate a school or District facility (gymnasium, swimming pool, athletic field, etc.) by means of a plaque, naming the facility after a person, or some other honor. Such commemoration should be reserved only for those individuals who have made a significant contribution to the enhancement of education generally or the District in particular or to the well-being of the District, community, State or nation.

Naming Rights

The District may sell the right to name particular facilities owned by the District.

All such naming rights shall be done pursuant to a contract, which must be approved by the Board. Any naming contract shall not extend for more than ten (10) years.

No naming contract shall be approved for companies or individuals that market items which are inappropriate or illegal for minors to use (e.g., alcohol, tobacco, etc.)

All such contracts shall contain a provision that the naming rights revert immediately to the District upon expiration of the contract or upon any material breach of the naming contract by the purchaser.

All such contracts shall contain a provision that the contract is immediately terminated upon the declaration of bankruptcy by the purchaser, and shall not become an asset of the debtor.

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po7300

DISPOSITION OF REAL PROPERTY

7300 - **DISPOSITION OF REAL PROPERTY**

The Board of Education believes that the efficient administration of the District requires the disposition of property and goods no longer necessary for the maintenance of the educational program or the operation of the School District.

"Real Property" means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

The Board shall direct the periodic review of all District property and authorize the disposition by sale, donation, trade, or discard of any property not required for school purposes in accordance with the provisions of this policy and Policy 7310 - Disposition of Surplus Property. The Board must approve the terms of any sale, lease or other disposition of real property.

The Board may offer real property for sale by any reasonable method, including listing with a real estate broker, soliciting bids, or auction.

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po7310

DISPOSITION OF SURPLUS PROPERTY

7310 - **DISPOSITION OF SURPLUS PROPERTY**

The Board of Education requires the Superintendent to review the property of the District periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy.

A. **Instructional Material**

The District shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum

2. information that may not be current, or

3. worn beyond salvage

B. **Equipment**

For purposes of this policy, equipment shall mean tangible personal property (including information technology systems), a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, having a useful life of more than one (1) year, and a per-unit cost that equals or exceeds $10,000 as a single unit and does not lose its identity when incorporated into a more complex unit.

The District shall inspect the equipment used in the educational program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available

2. repair records indicate the equipment has no usable life remaining

3. obsolete and no longer contributing to the educational program

4. some potential for sale at a school auction

5. creates a safety or environmental hazard

C. **Disposition**

The Superintendent is authorized to dispose of obsolete instructional and other property by selling, it to the highest bidder, by donation to appropriate parties,

or by proper waste removal in compliance with 2 C.F.R. 200.313(e) and 200.314.

When there is a residual inventory of unused supplies exceeding $10,000 in aggregate value at the end of the period of performance, and the supplies are not needed for any other Federal award, the District may retain or sell the unused supplies. Unused supplies means supplies that are in new condition, not having been used or opened before. The aggregate value of unused supplies consists of all supply types, not just like-item supplies. The Federal agency or pass-through entity may be entitled to compensation in an amount prescribed in 2 C.F.R. 200.314.

Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, the District shall request disposition instructions from the Federal agency if required by the terms and conditions of the Federal award.

Disposition of the equipment will be made in accordance with disposition instructions of the Federal agency.

Except as provided in §200.313 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current fair-market value in excess of $10,000 (per unit) may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale. If the equipment is sold, the Federal agency may permit the non-Federal entity to deduct and retain from the Federal share $1,000 or ten percent (10%) of the proceeds, whichever is less, to cover expenses associated with the selling and handling of the equipment.

The District may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the District shall be entitled to

compensation for its attributable percentage of the current fair market value of the property.

D. When included in the terms and conditions of the Federal award, the Federal agency may permit the District to retain equipment, or authorize DEW to permit the District to retain equipment, with no further obligation to the Federal Government unless prohibited by Federal statute or regulation.

[CROSS REFERENCE: po7450]

Revised 7/11/16

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po7410

MAINTENANCE

7410 - **MAINTENANCE**

The Board of Education recognizes that the fixed assets of this District represent a significant investment of this community and their maintenance is of prime concern to the Board.

The Board directs the conduct of a continuous program of inspection, maintenance, and rehabilitation for the preservation of all school buildings and equipment. Wherever possible and feasible, maintenance shall be preventive.

The Superintendent shall develop, for implementation by the custodial and maintenance staff, a maintenance program which shall include:

A. a regular summer program of facilities repair and conditioning;

B. the maintenance of a critical spare parts inventory;

C. an equipment replacement program;

D. a long-range program of building modernization;

E. repair or replacement of equipment or facilities for energy conservation, safety, or other environmental factors.

The Superintendent shall develop and promulgate to the custodial and maintenance staff such guidelines as may be necessary for the ongoing maintenance and good order of the physical plant and for the expeditious repair of those conditions which threaten the safety of the occupants or the integrity of the plant. Such guidelines are to include provision for Handicapped Parking signs which conform to State law.

Said guidelines shall include the establishment of sound priorities among the requests for repairs received from building principals.

po7420

HYGIENIC MANAGEMENT

7420 - **HYGIENIC MANAGEMENT**

The Board of Education recognizes that the health and physical well-being of the students of this District depends in large measure upon the cleanliness and sanitary management of the schools.

The Board directs that a program of hygienic management be instituted in the schools and explained annually to all staff members.

The Superintendent shall request that each facility be inspected for cleanliness and sanitation by the Supervisor of Buildings and Grounds.

The Superintendent shall prepare, in consultation with the Supervisor of Buildings and Grounds, procedures for the handling and disposal of body wastes and fluids. Such procedures shall include the protection of staff members who clean or handle blood or blood- soaked items, vomitus, saliva, urine, or feces; the disinfection of surfaces and items in contact with such matter; the disposal of such matter in sealed containers; and the frequent and thorough cleansing of hands and any other body parts that contact such matter.

The Superintendent shall develop and supervise a program for the cleanliness and sanitary management of the school buildings, school grounds, and school equipment pursuant to law.

The cleanliness of each school building shall be the responsibility of the building principal.

po7430

SAFETY STANDARDS

7430 - **SAFETY STANDARDS**

The Board of Education believes that the employees and students of this District, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board will provide reasonable and adequate protection to the lives, safety, and health of its employees.

The Superintendent shall be responsible for the maintenance of standards in the facilities to prevent accidents and to minimize their consequences. S/He shall designate an employee who shall conduct periodic audits of health and safety conditions within the facilities of the District in accordance with the Federal OSHA standards adopted by the State, and take appropriate action on any violations thereof to the Superintendent. Said employee shall also have the authority to organize and direct the activities of a District safety committee.

The Superintendent shall ascertain that the employees and students of this District are aware of their rights to an environment free of recognized hazards, that they are properly trained in safety methods, that protective devices and equipment are available to meet safety standards, and that proper rules and records are maintained to meet the requirements of the law.

In the event an inspection is made by a representative of the State, the Superintendent shall report the results thereof to the Board at the meeting following the receipt of the State report.

po7434

USE OF TOBACCO ON SCHOOL PREMISES

7434 - **USE OF TOBACCO ON SCHOOL PREMISES**

The Board of Education believes that the right of persons to use tobacco products must be balanced against the right of those who do not use tobacco products to breathe air untainted by tobacco products, including secondhand smoke and vapor/aerosol exposure.

In order to protect students and employees who choose not to use tobacco products from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco products on District premises (owned or leased), in District vehicles, at all school-sponsored events, and in all school buildings owned and/or operated by the District.

For purposes of this policy:

A. “electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device including, but not limited to, an e-cigarette (including, but not limited to, “JUUL”, “NJOY,” “BREEZE,” “Puff Bar,” etc.), e-cigar, e-pipe, vape pen, or e-hookah;

   Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act

B. “off-campus, schools-sponsored event” means any event sponsored by the school or School District that is not on school property including, but not limited to, sporting events, day camps, field trips, dances, or theatrical productions;

C. “tobacco industry” means manufacturers, distributors, or wholesalers of tobacco products or tobacco-related devices (e.g., Juul, Altria);

This includes parent companies and subsidiaries.

D. "tobacco product" means 1) any product containing, made of, or derived from tobacco or nicotine (including synthetic nicotine) that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; 2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; 3) or any component, part, or accessory of 1) or 2) whether or not any of these contains tobacco or nicotine including, but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes (Tobacco product does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.);

E. "use of a tobacco product" means any of the following:

1. inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation (use of a tobacco product includes using an electronic smoking device)

2. the chewing of a tobacco product;

3. the placing of a tobacco product within a person's mouth.

In order to protect students and staff who choose not to use tobacco products from an environment noxious to them, and because the Board does not condone smoking and/or the use of tobacco and tobacco products, the Board prohibits the use, consumption, display, activation, promotion, or sale, or possession, of tobacco products or tobacco substitute products at all times (twenty-four (24) hours a day, seven (7) days a week) within any enclosed facility owned, leased, or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to school grounds, athletic facilities and any school-related event.

Tobacco products may not be advertised or promoted on school property or at school controlled events. Therefore, signs, clothing, bags, accessories, and other items promoting tobacco or containing tobacco branding are prohibited on school property and at school controlled events.

Tobacco products companies/products may not sponsor any school activity or project.

Violations of this policy may result in removal from school property or the school activity in accordance with Policy 9150 – School Visitors.

The Superintendent shall designate the individuals and the methods to monitor compliance with this policy.

Advertising/Promotion

In accordance with Policy 9700.01, tobacco product advertising is prohibited on school grounds, in all school-sponsored publications, and at all school-sponsored events. The promotion of tobacco products, including clothing, bags, lighters, gear, technology accessories, signs, structures, vehicles, fliers, other personal articles, or any other product or paraphernalia is not permitted on school grounds, in school or District-owned vehicles, or at school or District-sponsored events.

No one on behalf of the District may solicit or accept any contributions, gifts, or money from the tobacco industry - to include, but not be limited to, donations, monies for sponsorships/scholarships, advertising, promotions, loans or support for equipment, uniforms, and sports and/or training facilities.

Tobacco companies/products may not sponsor any school activity or project.

Enforcement

Violations of this policy may result in removal from school property or from the school activity in accordance with Policy 9150 – School Visitors.

The Superintendent shall designate the individuals and the methods to monitor compliance with this policy.

Revised 11/8/10
Revised 5/9/11
Revised 12/6/19

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po7440

FACILITY SECURITY

7440 - **FACILITY SECURITY**

Buildings constitute the greatest financial investment of the District. It is in the best interest of the Board of Education to protect the District's investment adequately. The buildings and equipment owned by the Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Superintendent shall develop and supervise a program for the security of the District's students, staff, visitors, school buildings, school grounds, and school equipment in compliance with State and Federal law. Such a program may include the use of video surveillance and electronic monitoring equipment in appropriate public areas in and around the schools and other District facilities, and on school buses.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to students, staff, visitors, and Board property and may require the prosecution of those who bring harm to persons and/or property. The Board will seek repair to rectify the damage or payment of a fee to cover the cost of repair or replacement from the person(s) responsible. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent is authorized to install metal detectors and video surveillance/electronic monitoring equipment on school property in order to protect the health, welfare, and safety of students, staff, visitors, and Board property, and other security devices that would assist in the detection of guns and dangerous weapons.

The Superintendent is authorized to install temporary door locking devices as permitted by law in order to protect the health, welfare, and safety of students, staff, visitors, and Board property. Notification of the local fire department and law enforcement agency and required inspection in accordance with M.C.L. 388.851d shall be provided before use of the device or system. Training of staff working in the building on the use of the device or system shall be provided and documented.

The Superintendent may report to the Board, no later than the next Board meeting, any significant incident involving vandalism, theft, personal safety, or other security risk and the measures being taken to address the situation.

Revised 2/8/10

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po7440.01

VIDEO SURVEILLANCE AND ELECTRONIC MONITORING

7440.01 - **VIDEO SURVEILLANCE AND ELECTRONIC MONITORING**

In order to promote student and staff safety, and deter unauthorized access and destructive acts (e.g., theft and vandalism), the Board of Education authorizes the use of video surveillance and electronic monitoring equipment on school property, and in school buildings and school buses. Information obtained through video surveillance/electronic monitoring may be used to identify intruders and persons breaking the law, Board policy, or the Student Code of Conduct (i.e., it may be used as evidence in disciplinary actions and criminal proceedings).

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance/electronic monitoring systems serve to complement other means being employed in the District to promote and foster a safe and secure teaching and learning environment for students and staff. The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the video surveillance/electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provided by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus security.

The Superintendent is responsible for approving where and when to install and operate fixed-location video surveillance/electronic monitoring equipment in the District. The building principals and administrators responsible for other facilities shall be responsible for recommending use of video surveillance/electronic monitoring. The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a nondiscriminatory manner. Video surveillance/electronic

monitoring equipment may be placed in common areas in school buildings (e.g., school hallways, entryways, the front office where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), the school parking lots and other outside areas, and in school buses. Except in extraordinary circumstances and with the written authorization of the Superintendent or Board President, video surveillance/electronic monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas). The Superintendent shall carefully consider and consult with District legal counsel before authorizing placement in, private offices (unless there is express consent given by the office occupant), or conference/meeting rooms, or in individual classrooms during instructional times. Security staff and administrators are authorized to carry and use portable video cameras when responding to incidents.

Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use. Signs shall be reasonably designed to notify people that their actions/behavior are being monitored/recorded. Additionally, the Superintendent is directed to annually notify parents and students via school newsletters and the Student Handbook, and staff via the Staff Handbook, of the use of video surveillance/electronic monitoring systems in their schools.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the School District's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceeding or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file.

Ordinarily video surveillance/electronic monitoring equipment will not be used to make an audio recording of conversation occurring on school grounds or property.

The Board will not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring. However, prerecorded lessons or observations of on-line virtual learning sessions may be included as part of an employee's evaluation in accordance with a collective bargaining agreement or Memorandum of Understanding approved by the Board.

Recordings of students will be treated as confidential, to the extent allowed by law. Copies of video recordings containing personally identifiable information about students shall not be released except as required or authorized by law. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any other students whose images appear on the recording). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any students whose images appear on the recording). Absent a clear legal obligation, confidential recordings will only be released through subpoena or court order.

The Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to view a recording under this policy must be made within ten (10) days of the event/incident. Unless an investigation is being conducted, recordings shall be destroyed after ten (10) days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken. Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes.

This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting),

or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional and/or research purposes is permitted and is not addressed by this policy.

The Superintendent is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring equipment in school buildings, school buses and on property owned and/or operated by the Board.

Video surveillance is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

Quarterly, the Superintendent shall conduct a review to verify that this policy and its implementing guidelines are being adhered to, and report to the Board on the use of video surveillance/electronic monitoring equipment in the District.

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po7440.03

SMALL UNMANNED AIRCRAFT SYSTEMS

7440.03 - **SMALL UNMANNED AIRCRAFT SYSTEMS**

The Board prohibits the operation of small Unmanned Aircraft Systems (sUAS), commonly known as drones, at any time on property owned or leased or contracted for by the Board by any individual, whether the individual is employed by the District or not.

The Board also prohibits the operation of an sUAS (drone) on property owned or leased or contracted for by the Board during District-sponsored contests (including scrimmages and previews), practices, tournaments, and activities under the auspices of the Michigan High School Athletic Association (MHSAA). District officials may deny admission or entry to anyone attempting to use an sUAS until the event has been completed. Any exceptions to this prohibition must be approved in advance by the Superintendent.

Any individual who violates this policymay be referred to local law enforcement.

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po7450

PROPERTY INVENTORY

7450 - **PROPERTY INVENTORY**

As steward of this District's property, the Board of Education recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall maintain a continuous inventory of all District-owned equipment at such intervals as will coincide with property insurance renewal and Generally Accepted Accounting Principles ("G.A.A.P.") reporting requirements. Federal regulations require at least every two (2) years.

For purposes of this policy, "equipment" shall mean tangible personal property (including information technology systems), a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, having a useful life of more than one (1) year, and a per-unit cost that equals or exceeds $10,000 as a single unit and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than $5,000.

It shall be the duty of the Business Manager to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

The District is responsible for maintaining and updating property records when there is a change in the status of the property.

Equipment acquired in whole or in part under a Federal award will vest upon acquisition to the District, subject to the following conditions:

A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.

B. While the equipment is being used for the originally-authorized purpose, the District (or subrecipient) must not dispose of or encumber its title or other interests without the approval of the Federal agency or pass-through entity.

C. The equipment may only be used and disposed of in accordance with the provisions of the Federal agency or the pass-through entity and Policy 7300 - Disposition of Real/Personal Property and Policy 7310 - Disposition of Surplus Property, and AG 7310 - Disposal of District Property.

D. The District must use equipment for the project or program for which it was acquired and for as long as needed, whether or not the project or program continues to be supported by the Federal award. The District must not encumber the equipment without prior approval of the Federal agency or pass-through entity.

E. When no longer needed for the original project or program, the equipment may be used in other activities in the following order of priority:

1. Activities under other Federal awards from the Federal agency that funded the original program or project; then

2. Activities under Federal awards from other Federal agencies. These activities include consolidated equipment for information technology

systems.

F. During the time that equipment is used on the project or program for which it was acquired, the District must also make the equipment available for use on other programs or projects supported by the Federal Government, provided that such use will not interfere with the purpose for which it was originally acquired. First preference for other use of the equipment must be given to other programs or projects supported by the Federal agency that financed the equipment. Secovided such use will not interfere with the purpose for which it was originally acquired. The District should consider charging user fees as appropriate. If the District does use equipment to earn program income, it must not charge a fee that is less than a private company would charge for similar services unless specifically authorized by Federal statute.

G. When acquiring replacement equipment, the District may either trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment.

H. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number (FAIN), title holder, acquisition date, cost of the property, percentage of Federal agency contribution toward the original purchase, the location, use, and condition of the property, and ultimate disposition data, including date of disposal and sale price of the property.

I. A physical inventory of the property must be conducted and results reconciled with property records at least once every two (2) years.

J. A control system shall be in place to provide safeguards for preventing loss, damage, or theft of the property. Any such loss, damage, or theft of the property must be investigated. The District must notify the Federal agency or pass-

through entity of any loss, damage, or theft of equipment that will have an impact on the program.

K. Regular maintenance procedures shall be implemented to keep the property in proper working condition.

L. Proper sales procedures shall be established to ensure the highest possible return, in the event the District is authorized or required to sell the equipment/property.

M. When equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal agency, the District shall request disposition instructions from the Federal agency or pass-through entity if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of C.F.R. 200.313.

[CROSS REFERENCE: po7310]

Revised 4/12/21
Revised 1/10/22

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po7455

ACCOUNTING SYSTEM FOR CAPITAL ASSETS

7455 - **ACCOUNTING SYSTEM FOR CAPITAL ASSETS**

The Board of Education shall maintain a capital asset accounting system. The capital-asset system shall maintain sufficient information to permit the following:

A. the preparation of year-end financial statements in accordance with generally-accepted, accounting principles

B. adequate insurance coverage

C. control and accountability

The Business Manager shall be responsible for the development and maintenance of the capital-asset accounting system. The Business Manager shall develop procedures to ensure compliance with all capital-asset policies. Each administrator shall be assigned capital-asset responsibilities.

Capital assets are defined as those tangible assets of the District system with a useful life in excess of one (1) year and an initial cost equal to or exceeding $5,000. Some items may be identified as "controlled" assets that, although they do not meet all capital-asset criteria, are to be recorded on the capital-asset system to maintain control.

Capital assets shall be classified as follows:

A. land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as financed purchase under Government Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards, and

B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

Leased capital assets and assets which are jointly-owned shall be identified and recorded on the fixed-asset system.

Capital assets shall be recorded at historical cost or, if that amount is not practicably determinable, at estimated historical cost. The method(s) to be used to estimate historical cost shall be established by the Business Manager.

The purchase of capital assets, the transfer of capital assets between buildings, and the disposal of capital assets shall be initiated by the department administrator and require the prior written approval of the Superintendent.

Depreciation shall be recorded for fund capital assets using the method(s) agreed upon by the Business Manager Accumulated depreciation shall be calculated on a straight line basis and be recorded for general capital assets. The following information shall be maintained for all capital assets:

A. description

B. asset classification (land, building, equipment, etc.)

C. location

D. purchase price

E. vendor

F. date purchased

G. voucher number

H. estimated useful life

I. estimated salvage value

J. replacement cost

K. accumulated depreciation

L. method of acquisition (purchase, trade-in, lease, donated, etc.)

M. appropriation

N. manner of asset disposal

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po7460

CONSERVATION OF NATURAL AND MATERIAL RESOURCES

7460 - **CONSERVATION OF NATURAL AND MATERIAL RESOURCES**

The increasing costs of natural energy resources coupled with the growing need to inhibit pollution mandate, the District implement strategies which will conserve all forms of energy used and ensure proper recycling of reusable materials.

The Board of Education directs the Superintendent to develop and implement both immediate and long range plans to meet these concerns. It expects that the administrative guidelines and procedures established will be properly observed by all members of the staff and strongly supported both in the educational program and in staff interactions with students.

po7510

USE OF SCHOOL FACILITIES

7510 - **USE OF SCHOOL FACILITIES**

The Board of Education believes that the school facilities of this District should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of the schools and is harmonious with the purposes of this District.

The Board will permit the use of school facilities when such permission has been requested in writing by a responsible organization or a group of citizens and has been approved by the Superintendent.

District facilities shall be available for the below-listed uses. When there are competing interests for the use of facilities, approval will be given according to the following priorities:

A. uses directly related to the schools and the operations of the schools

B. uses and groups indirectly related to the schools

C. meetings of employee associations

D. uses for voter registration and elections

E. departments or agencies of government

F. community organizations or groups of individuals formed for charitable, civic, social, religious, recreational, and/or educational purposes

G. commercial or profit-making organizations or individuals offering services for profit

The use of District grounds and facilities shall not be granted for private social functions or any purpose which is prohibited by law.

Should all or any part of the District's community be struck by a disaster, the Board shall make District grounds and/or facilities available, at no charge, for the housing, feeding, and care of victims or potential victims when requested by local, State, or Federal authorities. The Superintendent should meet with the Monroe County Emergency Management Department to establish a disaster preparedness plan in order to ensure that proper procedures are established to minimize confusion, inefficiency, and disruption of the educational program.

The Superintendent shall develop administrative guidelines for the granting of permission to use District facilities including a schedule of fees. Such guidelines are to include the following:

A. Each user may be required to present evidence of the purchase of organizational liability insurance to the limit prescribed by District administrative guidelines.

B. Use of school equipment in conjunction with the use of school facilities must be requested specifically in writing, and may be granted by the procedure by which permission to use facilities is granted. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use. Where rules so specify, no item of equipment may be used except by a qualified operator.

C. Users shall be liable financially for damage to the facilities and for proper chaperonage.

No liability shall attach to this District, any employee, officer, or member of this District specifically as a consequence of permitting access to these facilities.

po7530

LENDING OF BOARD-OWNED EQUIPMENT

7530 - **LENDING OF BOARD-OWNED EQUIPMENT**

The Board of Education believes that Board-owned equipment is a valuable resource that may be loaned for community use under certain conditions only, provided that such use does not infringe on the original and necessary purpose of the equipment or interfere with the District's educational program.

The Board may lend specific items of equipment on the written request of the user and approval granted by the Superintendent.

The user of Board-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return. The use of Board-owned equipment off District property is subject to the same rules and conditions of use that are in effect when the equipment is used on District property.

District equipment may be removed from District property by students or staff members and/or Board members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. The consent of the building principal or Superintendent is required for such removal.

A Board employee may use authorized Board-owned Technology Resources for school use off of District property. District Technology Resources (as defined in Bylaw 0100) may contain personally identifiable information ("PII") about students and/or staff. Federal and State laws prohibiting disclosure of such PII apply to electronic records stored on District Technology Resources. Board employees must exercise caution when saving/uploading/storing PII on mobile/portable storage devices (e.g., external hard

drives, CDs/DVDs, USB thumb/flash drives, etc.), including mandatory encryption of the device, and when accessing PII that is stored on the District's network or contracted cloud-storage. A Board employee who loses or misuses student or staff PII will be subject to disciplinary action.

Personal use of Board-owned equipment or facilities by staff or students will be in accordance with the Superintendent's administrative guidelines.

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WIRELESS COMMUNICATION ALLOWANCE AND STAFF USE OF WIRELESS COMMUNICATIONS DEVICES

7530.01 - **WIRELESS COMMUNICATION ALLOWANCE AND STAFF USE OF WIRELESS COMMUNICATIONS DEVIC**ES

Eligibility for Wireless Communication Allowance

Wireless communication devices ("WCDs") (i.e. cellular and wireless telephones, pager/beepers, personal digital assistants (PDAs), Blackberries/Smartphones, WiFi-enabled or broadband access devices, etc.) enable communication whenever a situation arises necessitating immediate contact, regardless of the person's location at the time. Therefore, the Superintendent and administrators who meet one or more of the following criteria are required as a condition of employment to own a WCD and obtain an appropriate service plan so that the WCD is available for use for business-related communications:

A. their jobs require them to spend a considerable amount of time outside of their assigned office or work area during normal working hours and have regular access to telephone and/or Internet connections while outside their office or assigned work area;

B. their jobs require them to be accessible outside of scheduled or normal working hours or to be contacted and respond in the event of an emergency;

C. their jobs consistently require timely and business critical two (2) way communication for which there is no reasonable alternative technology:

(This is not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home).

D. safety requirements indicate having a WCD is an integral part of meeting the requirements of the employee's job description;

E. the employee is required to be contacted on a regular basis outside normal work hours;

F. the employee is required to be on-call 24/7.

Administrators who are required to have a personal WCD as a condition of their employment shall receive a monthly wireless communication allowance ("allowance"), up to an amount approved annually by the Board to reimburse them for the costs associated with maintaining and using a personal WCD for business purposes. Additionally, other staff members who believe that they meet the above-identified criteria may apply for an allowance.

Amount of the Allowance

The allowance shall consist of a monthly allowance up to a specific dollar amount for wireless telephone service.

The allowance shall not reimburse the employee’s dollar-for-dollar costs for the wireless service, and shall not exceed the expenses the employee actually incurs in maintaining the personal WCD.

The allowance shall not serve as a substitute for a portion of the staff member's regular wages, and does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades or benefits based on a percentage of salary, etc. The Board will pay only the Board-approved allowance even if actual monthly costs exceed the allowance. If the amount of the allowance needs to be changed because of documented business purpose, the employee should notify the Superintendent by submitting a new Wireless Communication Allowance Request Form.

If an employee is absent for more than thirty (30) days on either a paid or unpaid leave of absence, the allowance will be temporarily discontinued (i.e. it will be prorated during the period of absence) unless the employee can demonstrate s/he needs the device for business-essential communications during the period of absence, and/or the Superintendent approves the continuation of the allowance.

To be eligible to receive the allowance, the employee must maintain the type of wireless telephone coverage and Internet/data plan that is reasonably related to his/her job responsibilities.

The employee must maintain an active wireless service contract while the allowance is being provided.

The Superintendent should use knowledge of each employee's duties (e.g. the projected number of minutes of monthly business- related calls, and whether the employee requires Internet/data service) and budget considerations to determine the amount of monthly allowance to recommend to the Board for each employee. In determining the amount of the allowance to recommend to the Board, the Superintendent may take into consideration the cost of the basic equipment, whether Internet/data service is needed, and the cost of the employee's monthly wireless service plan.

In order to continue to receive the allowance, administrators are required to answer all business-related calls on his/her WCD and promptly respond to any messages. In order to continue to receive the allowance, non-exempt employees are required to answer all business-related calls on his/her WCD and promptly respond to any messages during his/her work hours.

Allowance Is Not Considered Taxable Income

Provided the employee maintains and uses his/her personal WCD for business purposes as described herein, the allowance should not be considered additional income to the employee (i.e., the allowance will be treated as a non-payroll reimbursement of a business expense – similar to the mileage reimbursements – and no payroll taxes will be withheld from the employee's paycheck for the amount of the allowance and the amount of the allowance will not be reported as wages the employee's year-end W-2 statement). Additionally, staff members who receive an allowance are not required to submit a log documenting their business-related use of the WCD.

Employee's Responsibilities

The employee is responsible for choosing his/her WCD, the voice and/or data plan, and the wireless service provider. Since the WCD is the personal property of the employee, the WCD may be used for personal calls (see below concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e. the employee may also, at his/her own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the WCD, any replacement for loss or damage will be at the expense of the employee. Such replacement or repair must be completed promptly and the Superintendent must be notified if the employee will not be available by their WCD for a period of time.

Employees should contact the carrier through which they purchased their WCD and purchase their wireless service for support.

Employees may contact the District's IT Department/Support Staff for consultation on the type of equipment to purchase if they are obtaining Internet/data service in order to enable e-mail and calendar support through the District's servers (e.g. through Microsoft Exchange, Novell GroupWise, etc.) and to obtain assistance in setting up their device to connect to the District's servers. The District's IT Department/Support Staff will assist employees who have Internet/data service with e-mail and calendar functionality.

Changing or Ending a Wireless Service Contract Early

When selecting the duration of his/her wireless service contract, the employee should take into consideration the length of his/her Board-approved employment contract and not select a duration of the wireless service contract that exceeds the employment contract. If the employee is nonrenewed or voluntarily resigns while the wireless service contract is still in effect, the Board will not be responsible for any fees associated with the employee's decision to subsequently change or cancel the contract.

Once the allowance is given to the employee to purchase a device, the WCD remains the employee's personal property. However, upon termination, nonrenewal or resignation, the Board will immediately discontinue the monthly allowance.

If prior to the end of a wireless service contract, a personal decision by the employee results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the employee's misconduct, or misuse of the WCD, results in the need to end or change the WCD contract, the employee will bear the costs of any fees associated with the change or cancellation.

If prior to the end of a wireless service contract, the Board determines to reduce or cancel (unrelated to employee misconduct) the employee's monthly allowance, the Board will bear the cost of any fees associated with the change or cancellation. For example, if the employee is reassigned and/or his/her duties are changed, and the WCD is no longer needed for business purposes, if the employee does not want to retain the current contract, changes or cancellation fees will be reimbursed by the Board.

Safe Use of Wireless Communications Devices

Employee safety is a priority of the Board, and responsible use of WCDs includes safe use.

Employees whose job responsibilities include regular or occasional driving and who use a personal WCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call, reading or sending a text message, instant message or e-mail, or browsing the Internet. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g. headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting with the WCD or using the WCD in its entirety while driving)..

In situations where job responsibilities include regular driving and accepting of business calls, the employee should consider the use of hands-free equipment to facilitate the provisions of this policy.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their WCDs.

Wireless communications, including calls, text messages, instant messages, and e-mails sent from WCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her personal WCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Wireless communications that are student records are confidential and must be maintained pursuant to Policy 8330 – Students Records. Finally, wireless communications and other electronically stored information (ESI) stored on the staff member's personal WCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with District requests to produce copies of wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

Except in emergency situations, employees are prohibited from using WCDs to capture, record or transmit the words (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal or Superintendent.

Privacy Issues

WCDs, including but not limited to those with cameras, may not be possessed, activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to locker rooms, shower facilities, restrooms, classrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a WCD is absolutely prohibited.

Personal Use of WCDs While at Work

Board employees may carry personal WCDs with them while at work including while operating Board equipment, but are subject to the following restrictions:

A. Excessive use of a WCD for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.

B. Employees are personally and solely responsible for the care and security of their personal WCDs. The Board assumes no responsibility for theft, loss, damage, or vandalism to WCDs brought onto its property, or the unauthorized use of such devices.

At no time may any WCD be utilized by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated or in any manner that violates a reasonable expectation of privacy of another.

Potential Disciplinary Action/Termination of the Allowance

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a WCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in immediate termination of the allowance as well as possible disciplinary action.

Reimbursement for Business Calls on a Personal WCD

If a Board employee's job duties do not include frequent need for a WCD, the employee is not eligible for a wireless communication allowance or a Board-provided WCD. Such employees, however, may request reimbursement for the actual extra expenses of business cell phone calls. Reimbursement for per-minute "air time" charges is limited to the total overage charge shown on the invoice; expenses for minutes included in the employee's personal plan will not be reimbursed. The employee should make personal payment to the provider, and then submit a request for reimbursement, which details the date/time of the call, to whom the call was placed or from whom the call was received, and a brief description of the purpose of the call. A copy of the employee's wireless service bill must be attached to the request for reimbursement (the employee may redact any personal calls from the bill prior to submitting it). Business calls made on school property should be made from traditional land-line phones, when readily accessible, and therefore will not be reimbursed if made on a personal WCD.

The Board reserves the right to switch an employee to the allowance program if excessive calls are made or if required documentation is not submitted in a timely manner.

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STAFF USE OF PERSONAL COMMUNICATION DEVICES

7530.02 - **STAFF USE OF PERSONAL COMMUNICATION DEVICES**

Use of personal communication devices ("PCDs") (as defined in Bylaw 0100) has become pervasive in the workplace. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPad-like devices), electronic readers ("e-readers"; e.g., Kindle-like devices), cell phones, smartphones (e.g., iPhones, Android devices, Windows Mobile devices, etc.), and/or other web- enabled devices of any type. Whether the PCD is Board-owned and assigned to a specific employee, or personally-owned by the employee (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee on a per use basis for their business-related use of his/her PCD, or the employee receives no remuneration for his/her use of a personally-owned PCD), the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones/Smartphones

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with District requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

At the conclusion of an individual’s employment (whether through resignation, nonrenewal, or termination), the employee is responsible for verifying all public records, student records and ESI subject to a Litigation Hold that are maintained on the employee’s PCD are transferred to the District’s custody (e.g., server, alternative storage device). The District’s IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the District’s custody, the employee is required to delete the records/ESI from his/her PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the District’s custody and deleted from his/her PCD before the Board will issue any final compensation that is owed to the employee.

Similarly, if an employee intends to dispose of, or otherwise stop using, a personally-owned PCD on which s/he has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the employee must transfer the records/ESI to the District's custody before disposing of, or otherwise ceasing to use, the personally-owned PCD. The employee is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally-owned PCD. Failure to comply with these requirements may result in disciplinary action.

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee must immediately notify the Superintendent so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

Potential Disciplinary Action

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws may also result in disciplinary action up to and including termination.

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po7540

TECHNOLOGY

7540 - **TECHNOLOGY**

The Board of Education is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of District operations.

Students' use of District' Technology Resources (see definitions in Bylaw 0100) is a privilege, not a right. Students and their parents must sign and submit a *Student Technology Acceptable Use and Safety* form. (See also, Policy 7540.03)

The Superintendent shall develop and implement a written District Technology Plan (DTP). One (1) of the primary purposes of the DTP is to evaluate new and emerging technologies and how they will play a role in student achievement and success and/or efficient and effective District operations.

The DTP shall set forth procedures for the proper acquisition of technology. The DTP shall also provide guidance to staff and students about making safe, appropriate and ethical use of District Technology Resources, as well as inform both staff and students about disciplinary actions that will be taken if its Technology Resources are abused in any way or used in an inappropriate, illegal, or unethical manner. See Policy 7540.03 and AG 7540.03 - Student Education Technology Acceptable Use and Safety, and Policy 7540.04 and AG 7540.04 – Staff Education Technology Acceptable Use and Safety.

The Superintendent, in conjunction with the Technology Support Coordinator, shall review the DTP and report any changes, amendments, or revisions to the Board.

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies, and the Student Code of Conduct, further govern students' and staff members' use of their personal communication devices (see Policy 5136 and Policy 7530.02). Users have no right or expectation of privacy when using District technology resources (including, but not limited to, privacy in the content of their personal files, e-mails and records of their online activity when using the District's computer network and/or Internet connection).

Further safeguards shall be established so that the Board's investment in both hardware and software achieves the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying.

For purposes of this policy, social media is defined as Internet-based applications that facilitate communication (e.g., interactive/two- way conversation/dialogue) and networking between individuals or groups. Social media is "essentially a category of online media where people are talking, participating, sharing, networking, and bookmarking online. Most social media services encourage discussion, feedback, voting, comments, and sharing of information from all interested parties." (Quote from Ron Jones of Search Engine Watch) Social media provides a way for people to stay "connected or linked to other sites, resources, and people." Examples include Facebook, Twitter, Instagram, webmail, text messaging, chat, blogs, and instant messaging (IM). Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts.

Staff may use social media for District business-related purposes. Authorized staff may use District Technology Resources to access and use social media to increase awareness of District programs and activities, as well as to promote achievements of staff and students, provided the Superintendent approves, in advance, such access and use. Use of social media for business-related purposes is subject to Michigan's public records laws and staff members are responsible for archiving their social media and complying with the District's record retention schedule. See Policy 8310 – Public Records and AG 8310A – Public Records.

Instructional staff and their students may use District Technology Resources to access and use social media for educational purposes, provided the Principal approves, in advance, such access and use.

Students must comply with Policy 7540.03 and Policy 5136 when using District Technology Resources to access and/or use social media. Similarly, staff must comply with Policy 7540.04 and Policy 7530.02 when using District Technology Resources to access and/or use social media.

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TECHNOLOGY PRIVACY

7540.01 - **TECHNOLOGY PRIVACY**

The Board of Education recognizes its staff members' right to privacy in their personal lives. This policy serves to inform staff members of the Board's position with respect to staff-member privacy in the educational and workplace setting and to protect the Board's interests.

All District Technology Resources (as defined in Bylaw 0100) are the Board's property and are intended to be used solely for business purposes. The Board retains the right to access and review all Information Resources (as defined in Bylaw 0100), including but not limited to electronic and voice mail, computer files, data bases, and any other electronic transmissions contained in or used in conjunction with the Board's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members shall be notified that they have no expectation that any personal information/data maintained, stored, or transmitted on or through such systems is confidential or private.

Review of such information may be done by the Board with or without the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the Board retains the right to access information in spite of a password. All passwords or security codes must be registered with the Board. A staff member's refusal to permit such access may be grounds for discipline up to and including discharge.

District Technology Resources are to be used only for business and educational purposes.

Personal messages via Board-owned technology should be limited in accordance with the Superintendent's guidelines. Staff members are encouraged to keep their personal records and personal business at home. Because District Technology Resources are to be used primarily for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

District Technology Resources must be used properly. Review of computer files, electronic mail, and voice mail will only be done in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the contents of such discovery will not be reviewed by the Board, except to the extent necessary to determine if the files/e- mail/voice mail constitute a public record or if the Board's interests have been compromised. Any information discovered will be limited to those who have a specific need to know that information.

The administrators and supervisory staff members authorized by the Superintendent have the authority to search and access information electronically.

All District Technology Resources and District Information Resources are the property of the Board. Staff members shall not copy, delete, or remove any information/ data contained on District Technology Resources without the express permission of the Superintendent, or communicate any such information to unauthorized individuals. In addition, staff members may not copy software onto any District Technology Resources and may not bring software from outside sources for use on District Technology Resources without the prior approval of the Superintendent. Such pre-approval shall include a review of any copyright infringements or virus problems associated with such outside software.

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DIGITAL CONTENT AND ACCESSIBILITY

7540.02 - **DIGITAL CONTENT AND ACCESSIBILITY**

A. **Creating Digital Content**

The Board of Education authorizes staff members to create content for the District's website and District-approved/affiliated apps and services (see Bylaw 0100 Definitions) ("digital content").

District-generated and school-related digital content must comply with applicable State and Federal laws (e.g., copyright laws, Children's Internet Protection Act ("CIPA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Americans with Disabilities Act ("ADA"), Student Online Personal Protection Act ("SOPPA"), and Children's Online Privacy Protection Act ("COPPA")) and reflect the professional image/brand of the District, its employees, and students. District-generated digital content must be consistent with the Board's Mission Statement and is subject to prior review and approval of the Superintendent before being published on the District's website or District-approved/affiliated apps/services.

B. **Purpose of Digital Content**

The purpose of digital content covered by this policy is to educate, inform, and communicate. The following criteria shall guide the development of District-generated digital content:

1. **Educate**

Digital content should be suitable for and usable by students and

teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

2. **Inform**

   Digital content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. **Communicate**

   Digital content may communicate information about the plans, policies, and operations of the District to members of the public and other persons who may be interested in and/or affected by District matters.

The information published on the Board's website and District-approved/affiliated apps/services should reflect and support the Board's Mission Statement, Educational Philosophy, and School Improvement Process.

When the digital content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

Under no circumstances are District-generated digital content to be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no digital content published on the District's website may:

1. include statements or other items that support or oppose a candidate for public office, the investigation, prosecution, or recall of a public official, or passage of a tax levy or bond issue;

2. link to a website of another organization if the other website includes such a message; or

3. communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

Under no circumstances shall a staff member post on their personal web pages/websites or private digital accounts (i.e., non-District-approved/affiliated apps/services) student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Board's website or District-approved/affiliated apps/services (e.g., Infinite Campus) for the purpose of conveying information to students and/or parents.

Digital content published on the Board's website should reflect an understanding that both internal and external audiences will be viewing the information.

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to staff and students who publish digital content on the Board's website and District-approved/affiliated apps/services.

The Board retains all proprietary rights related to the design of and content for its website(s) and any apps/services it operates and/or is affiliated with, absent written agreement to the contrary.

In order for a student's school work (i.e., work that is created in or for a class or as part of a school-sponsored extracurricular activity) to be displayed on the Board's website, the student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) must provide written permission and expressly license its display without cost to the Board.

Likewise, prior written permission from a student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) is necessary for a student to be identified by name on the Board's website.

C. **Accessibility of Web Content and Mobile Apps**

The District is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The District is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online through the web or a mobile app, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered in-person or online.

This policy reflects the Board's commitment and intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, 34 C.F.R. Part 104, Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12131, and 28 C.F.R. Part 35 in all respects. For purposes of this policy, "web content" means "information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions." Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents (e.g., content in the following electronic file formats: portable document formats ("PDF"), word processor file formats, presentation file formats, and spreadsheet file formats). Additionally, "mobile applications" ("mobile apps") means "software applications that are downloaded and designed to run on mobile devices, such as smartphones and tablets."

1. **Technical Standards**

   Web content and mobile apps that the District provides and/or makes available, directly or through contractual, licensing or other arrangements, shall comply with the World Wide Web Consortium's Web Content Accessibility Guidelines ("WCAG") 2.1, Level AA standards, unless the Board can demonstrate that such compliance would result in a

fundamental alteration in the nature of its programs, services, or activities, or an undue financial and administrative burden.

Notwithstanding the preceding, Federal regulations provide for the following content types to have limited exemption from the WCAG 2.1, Level AA requirements:

a. Archived web content (provided all four (4) Federal criteria are met).

b. Preexisting conventional electronic documents (with specific restrictions).

c. Third party content that is not created pursuant to a contract between the Board and a third party.

d. Password-protected documents pertaining to a specific student or account.

e. Preexisting social media posts.

Even when the preceding exceptions apply, the District, however, will still provide effective communication and reasonable modifications in accordance with the ADA.

In addition, documents currently used for accessing District programs, services, programs, or activities do not qualify for the above exceptions, regardless of creation date.

When a person with a disability cannot access District-generated or affiliated web content or mobile apps that meet WCAG 2.1, Level AA

standards, the District will: (1) provide alternate means of access to the same information and functionality; (2) make reasonable modifications to policies, practices, or procedures; (3) ensure effective communication through appropriate auxiliary aids and services; and (4) respond to accommodation requests within five (5) business days. Such accommodations may include: (a) alternative document formats (large print, Braille, audio); (b) telephone or in-person assistance for online services; and/or (c) email or mail delivery of information typically accessed online.

2. **Digital Accessibility Coordinator**

The Board designates its Technology Director as the District's Digital Accessibility Coordinator. That individual is responsible for coordinating and implementing this policy.

See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator(s)' contact information.

3. **Third Party Content**

Links included on the Board's website(s) and District-approved/affiliated mobile apps that pertain to its programs, activities, and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, SOPPA, and COPPA). The District's Digital Accessibility Coordinator(s) or designee(s) will vet online content available on the Board's website and through District-approved/affiliated mobile apps that are related to the District's programs, activities, and/or services for compliance with this criteria for all new content published on the District's website and mobile apps after adoption of this policy.

Content posted by third parties (e.g., members of the public) on District platforms is exempt from the WCAG 2.1, Level AA requirements. Those platforms, however, along with content posted by the District staff or contractors, must be fully compliant.

Additionally, nothing herein shall prevent the District from including links on its website(s) and apps/services to:

a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites); or

b. websites, services, and/or apps that are developed and hosted by outside vendors or organizations that are not part of the District's program, benefits, or service

The Board recognizes that such third party websites may contain advertisements that are not age-appropriate or consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.

4. **Regular Audits**

The District, under the direction of the Digital Accessibility Coordinator(s) or designee(s), at regular intervals, audit the District's digital content to ensure it meets the required technical standards.

If problems are identified through the audit, such problems will be documented, evaluated, and if necessary, remediated within a reasonable period.

5. **Reporting Concerns or Possible Violations**

If a person accessing the District's web content and/or District-approved/affiliated mobile apps (e.g., a student, prospective student, employee, guest, or visitor) ("user") believes that specific web content and/or a mobile app has violted the WCAG 2.1, Level AA standards, the user may

contact the Digital Accessibility Coordinator with any accessibility concerns. The user may also file a formal complaint utilizing the procedures set out in Board Policy 2260.01 relating to Section 504 and Title II.

D. **Instructional Use of Apps/Services**

The Board authorizes the use of apps and web services to supplement and enhance learning opportunities for students, either in the classroom or for extended learning outside the classroom.

A teacher who elects to supplement and enhance student learning through the use of apps/services is responsible for verifying/certifying to the building principal that the app/service has a FERPA-compliant privacy policy, and it complies with all requirements of the COPPA, CIPA, and Section 504/ADA, including the WCAG 2.1, Level AA accessibility standards.

The Board further requires the use of a Board-issued e-mail address in the login process for District-approved/affiliated apps/services.

E. **Training**

The District will provide training for its employees who 1) create web content, documents, or multimedia materials, 2) manage the Board's website and digital services, 3) select and contract with technology vendors, and 4) work on online communications.

The training should cover this Policy and responsibilities associated with the specified staff members' roles related to the implementation of this policy and ensuring the District's digital content is appropriate and accessible.

F. **One-Way Communication Using the District Website and/or District-Approved/Affiliated Apps/Services**

The Board approves the use of its website and District-approved/affiliated apps/services to promote school activities and inform stakeholders and the general public about District news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via the District's website and/or District-approved/affiliated apps/services to be one-way communication, public comments are not solicited or desired, and the website or app/service is to be considered a nonpublic forum.

If the District uses an app/service that does not allow the District to block or deactivate public comments, the District's use of that app/service will be subject to Policy 7544 – Use of Social Media unless the District is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the District will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records, and AG 8310E – Record Retention and Disposal), but it will not review or consider those comments.

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STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.03 - **STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology directly affects the ways in which information is accessed, communicated, and transferred in society. Educators are expected to continually adapt their means and methods of instruction, and the way they approach student learning, to incorporate the latest technologies. The Board of Education provides Information & Technology Resources (as defined in Bylaw 0100) (collectively, "District Information & Technology Resources") to support the educational and professional needs of its students and staff. With respect to students, District Information & Technology Resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board provides students with access to the Internet for educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The District's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its stated educational purpose.

The Board regulates the use of District Information & Technology Resources in a manner consistent with applicable local, State, and Federal laws, the District's educational mission, and articulated expectations of student conduct as delineated in the Student Code of Conduct. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of District Information & Technology Resources and students' personal communication devices when they are connected to District Information & Technology Resources, including online educational services/apps, regardless of whether such use takes place on or off school property (see Policy 5136).

Students are prohibited from using District Information & Technology Resources to engage in illegal conduct (e.g., libel, slander, vandalism, harassment, theft, plagiarism,

inappropriate access, etc.) or conduct that violates this Policy and its related administrative guidelines and the Student Code of Conduct (e.g., making personal attacks or injurious comments, invading a person's privacy, etc.). Nothing herein, however, shall infringe on students' First Amendment rights. Because its Information & Technology Resources are not unlimited, the Board may institute restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Students have no right or expectation to privacy when using District Information & Technology Resources (including, but not limited to, privacy in the content of their personal files, messages/e-mails, and records of their online activity).

While the Board uses various technologies to limit students using its Information & Technology Resources to only use/access online educational services/apps and resources that have been pre-approved for the purpose of instruction, study, and research related to the curriculum, it is impossible to prevent students from accessing and/or coming in contact with online content that has not been pre-approved for use by students of certain ages. It is no longer possible for educators and community members to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them) when significant portions of students' education take place online or through the use of online educational services/apps.

Pursuant to Federal law, the Board implements technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Board or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using District Information & Technology Resources, if such disabling will cease to protect against access to materials that are

prohibited under CIPA. Any student who attempts to disable the technology protection measures will be disciplined.

The Superintendent or Technology Director may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been mistakenly, improperly, or inadvertently blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

Parents are advised that a determined user may be able to gain access to online content and/or services/apps that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to content that they and/or their parents may find inappropriate, offensive, objectionable, or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

Principals are responsible for providing training so that students under their supervision are knowledgeable about this policy and its accompanying guidelines.

Pursuant to Federal law, students shall receive education about the following:

A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;

B. the dangers inherent with the online disclosure of personally identifiable information;

C. the consequences of unauthorized access (e.g., "hacking") cyberbullying, and other unlawful or inappropriate activities by students online; and

D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

Staff members shall provide guidance and instruction to their students regarding the appropriate use of District Information & Technology Resources and online safety and security as specified above. Additionally, such training shall include, but not be limited to, education concerning appropriate online behavior including interacting with others on social media, including in chat rooms, and cyberbullying awareness and response. Furthermore, staff members will monitor the online activities of students while they are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions, or use of specific monitoring tools to review browser history and network, server, and computer logs.

All students who use District Information & Technology Resources (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines. (See Form 7540.03 F1)

In order to keep District Information & Technology Resources operating in a safe, secure, efficient, effective, and beneficial manner to all users, students are required to comply with all District-established cybersecurity procedures. Principals are responsible for providing such training on a regular basis and measuring the effectiveness of the training.

Students will be assigned a District-provided school e-mail account that they are required to utilize for all school-related electronic communications, including those to

staff members, peers, individuals, and/or organizations outside the District with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their school-assigned e-mail account when signing-up/registering for access to various online educational services/apps, including mobile applications/apps that will be utilized by the student for educational purposes.

Students are responsible for good behavior when using District Technology Resources – i.e., behavior comparable to that expected of students when they are in classrooms, school hallways, and other school premises and school-sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not approve any use of its Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Students may only use District Information & Technology Resources to access or use social media if it is done for educational purposes in accordance with their teacher's approved plan for such use.

Use of Artificial Intelligence/Natural Language Processing Tools For School Work

Students are required to rely on their own knowledge, skills, and resources when completing school work. In order to ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, the use of Artificial Intelligence (AI) and Natural Language Processing (NLP) tools (collectively, "AI/NLP tools") is strictly prohibited for the completion of school work. The use of AI/NLP tools, without the express permission/consent of a teacher, undermines the learning and problem-solving skills that are essential to academic success and that the staff is tasked to develop in each student. Students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI/NLP tools and they should ask their teachers when they have questions and/or need assistance. Unauthorized use of AI/NLP tools is considered a form of plagiarism and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct.

Notwithstanding the preceding, students can use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

A. **Research assistance:** AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.

B. **Data Analysis:** AI/NLP tools can be used to help students to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.

C. **Language translation:** AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.

D. **Writing assistance:** AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.

E. **Accessibility:** AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments understand spoken language.

As outlined above, under appropriate circumstances, AI/NLP tools can be effectively used as a supplement to and not a replacement for traditional learning methods. Consequently, with prior teacher permission/consent, students can use such resources

to help them better understand and analyze information and/or access course materials. If a student has any questions about whether they are permitted to use AI/NLP tools for a specific class assignment, they should ask their teacher.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District Information & Technology Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and Principals as the administrator(s) responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of District Information & Technology Resources.

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STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.04 - **STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology directly affects the ways in which information is accessed, communicated, and transferred in society. Educators are expected to continually adapt their means and methods of instruction and the way they approach student learning to incorporate the latest technologies. The Board of Education provides District Information & Technology Resources (as defined by Bylaw 0100) (collectively, "District Information & Technology Resources") to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The District's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its stated educational purpose.

The Board regulates the use of District Information & Technology Resources by principles consistent with applicable local, State, and Federal laws, and the District's educational mission. This policy and its related administrative guidelines and any applicable employment contracts and collective bargaining agreements govern the staff's use of the District's Information & Technology Resources and staff's personal communication devices when they are connected to District Information & Technology Resources, including online educational services/apps, regardless of whether such use takes place on or off school property (see Policy 7530.02).

Staff members are prohibited from using District Information & Technology Resources to engage in illegal conduct (e.g., libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, etc.) or conduct that violates this Policy and its related administrative guidelines (e.g., making personal attacks and injurious comments, invading a person's privacy, etc.). Nothing herein, however, shall infringe on a staff

member's First Amendment rights. Because District Information & Technology Resources are not unlimited, the Board may institute restrictions aimed at preserving these resources, such as placing limits on the use of bandwidth, storage space, and printers.

Staff members have no right or expectation to privacy when using District Information & Technology Resources (including, but not limited to, privacy in the content of their personal files, messages/e-mails, and records of their online activity).

Staff are expected to use District Information & Technology Resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource-sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services/apps will be guided by Board Policy 2521 - Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that brings incredible education and information resources to our students. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, District Information & Technology Resources provide students and staff with the opportunity to communicate with people throughout the world. Access to such an incredible quantity and diversity of information and resources brings with it, however, certain unique challenges and responsibilities.

While the Board uses various technologies to limit the use of District Information & Technology Resources to only use/access online services/apps and resources that have been pre-approved for the purpose of instruction, study, and research related to the curriculum, it is impossible to prevent users from accessing and/or coming in contact with online content that has not been pre-approved for use by students of certain ages. It is no longer possible for educators and community members to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account

the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them) when significant portions of students' education take place online or through the use of online educational services/apps.

Pursuant to Federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the District Information & Technology Resources, if such disabling will cease to protect against access to materials that are prohibited under CIPA. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be disciplined, up to and including termination.

The Superintendent or Technology Director may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.
Principals are responsible for providing training so that staff under their supervision are knowledgeable about this policy and its accompanying guidelines.
Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

A. the safety and security of students while using e-mail, chat rooms, social media and other forms of direct electronic communications;

B. the inherent danger of students disclosing personally identifiable information online;

C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students or staff online; and

D. unauthorized disclosure, use, and dissemination of personally-identifiable information regarding minors.

Staff members shall provide guidance and instruction to their students regarding the appropriate use of District Information & Technology Resources and online safety and security as specified above. Additionally, such training shall include, but not be limited to, education concerning appropriate online behavior including interacting with others on social media, including in chat rooms, and cyberbullying awareness and response. Further, staff members shall monitor students' online activities while the students are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

All staff members who use District Information & Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines. (See Form 7540.04 F1)

In order to keep District Information & Technology Resources operating in a safe, secure, efficient, effective, and beneficial manner to all users, staff members are required to comply with all District-established cybersecurity procedures including, but not limited to, the use of multi-factored authentication (MFA), for which they have been trained. Principals are responsible for providing such training on a regular basis and measuring the effectiveness of the training.

Staff will be assigned a District-provided school e-mail address that they are required to use for all school-related electronic communications, including those to students, parents and other staff members.

With prior approval from the Superintendent or Principals, staff may direct students who have been issued school-assigned e-mail accounts to use those accounts when signing-up/registering for access to various online educational services/apps that the student will use for educational purposes under the teacher's supervision.

Staff members are responsible for good behavior when using District Information & Technology Resources - i.e., behavior comparable to that expected when they are in physical classrooms, school buildings, and at school-sponsored events. Because communications on the Internet are often public in nature, general rules for professional behavior and communication apply. The Board does not approve any use of District Information & Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Staff members may only use District Information & Technology Resources to access or use social media if it is done for educational or business-related purposes.

Use of Artificial Intelligence/Natural Language Processing Tools

Staff are permitted to use Artificial Intelligence and Natural Language Processing (NLP) tools (collectively, "AI/NLP tools") to accomplish their job responsibilities so long as the use is ethical, responsible, and does not violate any provisions of this policy (e.g., it does not infringe on students' or staff members' privacy rights, violate their duty to maintain confidentiality related to personally identifiable information, etc.).

With respect to students, it is the Board's policy that they are required to rely on their own knowledge, skills, and resources when completing school work. In order to ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, students are prohibited from using AI/NLP tools to complete school work. The use of AI/NLP tools without the express permission/consent of a teacher is considered to undermine the learning and problem-solving skills that are essential to a student's academic success and that the staff is tasked to develop in each student. Consequently, students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI/NLP tools, and they are expected to ask their teachers when they have questions and/or need assistance. A student's unauthorized use of AI/NLP tools is considered a form of plagiarism and any student found using such tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct.

Notwithstanding the preceding, students are allowed to use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

A. Research assistance: AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.

B. Data Analysis: AI/NLP tools can be used to help students to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.

C. Language translation: AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.

D. Writing assistance: AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.

E. Accessibility: AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments to understand spoken language.

As outlined above, under appropriate circumstances, AI/NLP tools can be effectively used as a supplement to and not a replacement for traditional learning methods. Consequently, with prior teacher permission/consent, students can use AI/NLP tools to help them better understand and analyze information and/or access course materials. If a student has any questions about whether they are permitted to use AI/NLP tools for a specific class assignment, they should ask their teacher.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District Information & Technology Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and Technology Director as the administrator(s) responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff member use of District Information & Technology Resources.

Social Media Use

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the District's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent. See Policy 8330. Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality and/or privacy laws related to the disclosure of student or employee personally identifiable information may be disciplined.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

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DISTRICT-ISSUED STAFF E-MAIL ACCOUNT

7540.05 - **DISTRICT-ISSUED STAFF E-MAIL ACCOUNT**

Staff

The Board of Education is committed to the effective use of electronic mail ("e-mail") by all District staff and Board members in the conduct of their official duties. This policy and any corresponding guidelines are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents and community members.

When available, the District's e-mail system must be used by employees for any official District e-mail communications. Personal e- mail accounts on providers other than the District's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. Furthermore, District staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

District staff shall not send or forward mass e-mails, even if the e-mails concern District business, without prior approval of the network technician specialist.

District staff may join list servs or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the District, provided these list servs or other e-mail services do not exceed the staff member's e-mail storage allotment. If a staff member is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her building principal or the District's Technology

Director. The Technology Director is authorized to block e-mail from list servs or e-mail services if the e-mails received by the staff member(s) become excessive.

Staff members are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a litigation hold (see Policy 8315 – Information Management), and purging all other e-mails that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the District's Technology Director.

Public Records

The District complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to District staff and Board members may be public records if their content concerns District business, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. E-mails that are student records must be maintained pursuant to Policy 8330 – Student Records. Finally e-mails may constitute electronically stored information ("ESI") that may be subject to a litigation hold pursuant to Policy 8315 – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e– mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to District staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns District business, or education records if their content includes personally-identifiable

information about a student. Consequently, staff shall comply with a District request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a litigation hold, even if such records reside on a computer owned by an individual staff member, or are accessed through an e-mail account not controlled by the District.

Retention

Pursuant to State and Federal law, e-mails that are public records or education records, and e-mails that are subject to a litigation hold shall be retained.

E-mail retention is the responsibility of the individual e-mail user. Users must comply with District guidelines for properly saving/archiving e-mails that are public records, student education records, and/or subject to a litigation hold. E-mails sent or received using the District's e-mail service are automatically retained. This retention is for disaster recovery and not to provide for future retrieval. The District does not maintain a central or distributed e-mail archive of e-mail sent and/or received. Any questions concerning e-mail retention should be directed to the Technology Director.

Unauthorized E-mail

The Board does not authorize the use of its Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending

unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.04, staff and Board members using the District's e-mail system shall acknowledge their review of, and intent to comply with, the District's policy on acceptable use and safety by signing and submitting Form 7540.04 F1 annually.

Furthermore, staff using the District's e-mail system shall satisfactorily complete training, pursuant to Policy 7540.04, regarding the proper use and retention of e-mail annually.

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po7540.06

DISTRICT-ISSUED STUDENT E-MAIL ACCOUNT

7540.06 - **DISTRICT-ISSUED STUDENT E-MAIL ACCOUNT**

Students assigned a school e-mail account are required to utilize it for all school-related electronic communications, including those to staff members and individuals and/or organizations outside the District with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their school-assigned e-mail account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

This policy and any corresponding guidelines serve to establish a framework for student's proper use of e-mail as an educational tool.

Personal e-mail accounts on providers other than the District's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. Students are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Students shall not send or forward mass e-mails, even if educationally-related, without prior approval of their classroom teacher or the Technology Director.

Students may join list servs or other e-mail services (e.g. RSS feeds) that pertain to academic work, provided the e-mails received from the list servs or other e-mail services do not become excessive. If a student is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with

his/her classroom teacher, the building principal or the District's Technology Director. The site administrator is authorized to block e-mail from list servs or e-mail services if the e-mails received by the student becomes excessive.

Students are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages and purging e-mails once they are read and no longer needed for school.

Unauthorized E-mail

The Board does not authorize the use of its Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e–mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.03, students using the District's e-mail system shall acknowledge their review of, and intent to comply with, the District's policy on acceptable use and safety by signing and submitting Form 7540.03 F1.

Furthermore, students using the District's e-mail system shall satisfactorily complete training.

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PERSONAL INTERNET ACCOUNT PRIVACY - STUDENTS

7540.07 - **PERSONAL INTERNET ACCOUNT PRIVACY - STUDENTS**

The District will not:

A. request a student or prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal internet account.

B. expel, discipline, fail to admit, or otherwise penalize a student or prospective student for failure to grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal internet account.

The following definitions shall be used for this policy:

A. "Access information" means user name, password, login information, or other security information that protects access to a personal internet account.

B. "Personal internet account" means an account created via a bounded system established by an internet-based service that requires a user to input or store access information via an electronic device to view, create, utilize, or edit the user's account information, profile, display, communications, or stored data.

C. The District may:

1. request or require a student to disclose access information to gain access to or operate any of the following:

    a. An electronic communications device paid for in whole or in part by the District.

    b. An account or service provided by the District that is either obtained by virtue of the student's admission to the educational institution or used by the student for educational purposes.

2. view, access or utilize information about a student or applicant that can be obtained without any required access information or that is available in the public domain.

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PERSONAL INTERNET ACCOUNT PRIVACY - STAFF

7540.08 - **PERSONAL INTERNET ACCOUNT PRIVACY - STAFF**

The District will not:

A. request an employee or an applicant for employment to grant access to, allow observation of, or disclose information that allows access to or observation of the employee's or applicant's personal internet account.

B. discharge, discipline, fail to hire, or otherwise penalize an employee or applicant for employment for failure to grant access to, allow observation of, or disclose information that allows access to or observation of the employee's or applicant's personal internet account.

The following definitions shall be used for this policy:

A. "Access information" means user name, password, login information, or other security information that protects access to a personal internet account.

B. "Personal internet account" means an account created via a bounded system established by an internet-based service that requires a user to input or store access information via an electronic device to view, create, utilize, or edit the user's account information, profile, display, communications, or stored data.

C. The District may:

1. request or require an employee to disclose access information to the District to gain access to or operate any of the following:

    a. An electronic communications device paid for in whole or in part by the employer.

    b. An account or service provided by the employer, obtained by virtue of the employee’s employment relationship with the employer, or used for the district's business purposes.

2. discipline or discharge an employee for transferring the proprietary or confidential information or financial data to an employee’s personal internet account without the District's authorization.

3. conduct an investigation or require an employee to cooperate in an investigation in any of the following circumstances:

    a. If there is specific information about activity on the employee’s personal internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct.

    b. If the District has specific information about an unauthorized transfer of the District's proprietary information, confidential

information, or financial data to an employee's personal internet account.

4. restrict or prohibit an employee's access to certain websites while using an electronic communications device paid for in whole or in part by the District or while using the District's network or resources, in accordance with State and Federal law.

5. monitor, review, or access electronic data stored on an electronic communications device paid for in whole or in part by the employer, or traveling through or stored on an District's network, in accordance with State and Federal law.

6. screen employees or applicants prior to hiring or to monitor or retain employee communications that is established under Federal law or by a self-regulatory organization, as defined in section 3(a) (26) of the securities and exchange act of 1934, 15 USC 78c(a) (26).

7. view, access or utilize information about an employee or applicant that can be obtained without any required access information or that is available in the public domain.

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ARTIFICIAL INTELLIGENCE ("AI")

7540.09 - **ARTIFICIAL INTELLIGENCE ("AI")**

The Board of Education recognizes the positive impact that artificial intelligence ("AI") technology may have in the District's educational program and operations. The Superintendent is authorized to support the use of artificial intelligence technology when its use is consistent with the District's mission, goals, and operational integrity.

Any use of artificial intelligence technology in the District's educational program or operations must be in accordance with State and Federal law as well as Board policies including, but not limited to, the following: Policy 2264 - Nondiscrimination on the Basis of Sex in Education Programs or Activities; Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs and Activities; Policy 5136 - Personal Communication Devices; Policy 5500 – Student Conduct; Policy 7540.03 – Student Technology Acceptable Use and Safety; Policy 7540.04 – Staff Technology Acceptable Use and Safety; Policy 8330 – Student Records; Policy 8350 - Confidentiality; and Policy 8351 - Security Breach of Confidential Databases.

Violation of this policy may result in disciplinary consequences. Students may be disciplined for violations, up to and including suspension or expulsion. Staff may be disciplined for violations, up to and including suspension or termination of employment. The Administration will refer any illegal acts to law enforcement.

[Cross Reference

po5500

po7540.03

po7540.04]

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po7542

ACCESS TO DISTRICT TECHNOLOGY RESOURCES AND/OR INFORMATION RESOURCES FROM PERSONAL COMMUNICATION DEVICES

7542 - **ACCESS TO DISTRICT TECHNOLOGY RESOURCES AND/OR INFORMATION RESOURCES FROM PERSONAL COMMUNICATION DEVICES**

For purposes of this policy, "personal communication device" (PCD) includes computers, tablets (e.g., iPad-like devices), electronic readers ("e-readers"; e.g., Kindle-like devices), cell phones, smartphones (e.g., iPhones, Android devices, Windows Mobile devices, etc.), and/or other web-enabled devices of any type.

The Board of Education provides both a guest network and business network. The business network is a secure network for the conduct of official District business. Access to the business network requires prior approval and authorization by the District. The guest network is a CIPA-compliant non-secured network provided for use by students, parents, and other visitors while on school property. Only Board-approved communication devices and authorized users may access the business network. Any non-Board-approved communication devices or non-authorized users must be pre-approved by the Superintendent.

The Board of Education prohibits individuals from using their PCDs to access District Technology and/or Information Resources (as defined in Bylaw 0100) while on-site at a District facility.

The Board permits employees, students, Board members, and guests, as well as contractors, vendors, and agents, to use their "PCDs" to wirelessly access the District's Technology and/or Information Resources (as defined in Bylaw 0100) while they are on-

site at any District facility. Access to the business/guest network shall require authentication.

If the user wants to access the District's Technology and/or Information Resources through a hard-wired connection, the user's PCD must first be checked by the Network Technician to verify it meets the established standards for equipment used to access the network.

The Network Technician is charged with developing (or, is directed to develop) the necessary standards for connecting PCDs to the District's Technology and Information Resources. The standards shall be available upon request.

The standards shall be designed and enforced to minimize the Board's exposure to damages, including, but not limited to, the loss of Confidential Data/Information, illegal access to Confidential Data/Information, damage to the District's intellectual property, damage to the District's public image/reputation, and damage to the District's critical internal systems, from unauthorized use.

The use of PCDs must be consistent with the established standards for appropriate use as defined in Policy 7540.03 and AG 7540.03 – Student Technology Acceptable Use and Safety, Policy 7540.04 and AG 7540.04 – Staff Technology Acceptable Use and Safety, Policy 5136 and AG 5136 - Personal Communication Devices, Policy 7530.02 - Staff Use of Personal Communication Devices. When an individual connects to and uses the District's Technology and/or Information Resources, s/he must agree to abide by all applicable policies, administrative guidelines and laws (e.g., the user will be presented with a "splash screen" that will set forth the terms and conditions under which s/he will be able to access the District's Technology and/or Information Resource(s); the user will need to accept the stated terms and conditions before being provided with access to the specified technology resource(s)).

In order to comply with the Children's Internet Protection Act ("CIPA"), the Board has implemented technology protection measures that protect against (e.g., filter or block")

access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors. The Board also utilizes software and/or hardware to monitor online activity to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors.

Any user who violates the established standards and/or the Board's Acceptable Use policy, or who accesses the District's Technology and/or Information Resources without authorization may be prospectively denied access to the District's Technology and/or Information Resources. If the violation is committed by a contractor, vendor or agent of the District, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by a student or employee.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on Board property. This provision applies to everyone, regardless of their affiliation or connection to the District.

Revised 1/14/13

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po7543

UTILZATION OF THE DISTRICT’S WEBSITE AND REMOTE ACCESS TO THE DISTRICT'S NETWORK

7543 - **UTILZATION OF THE DISTRICT’S WEBSITE AND REMOTE ACCESS TO THE DISTRICT'S NETWORK**

Parents, students, staff/employees and community members are encouraged to access the District's website (www.whiteford.k12.mi.us) is encouraged.

The following resources are available on the District's website:

A. the District's calendar

B. Home Access Center

C. Annual Report

D. Board agendas and minutes

E. Board bylaws and policies

F. Budget

G. links to school websites

H. School/District Departments

I. employment and Volunteer Opportunities

J. resources for additional information during a crisis/emergency situation

K. contact info

Parents, students, staff/employees and community members should check the District's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally-identifiable nature of the information provided through that resource (e.g., the gradebook program and e-mail system). If a user name and password, or log-in procedure, is necessary to access a resource, the user should contact the applicable school or department for access.

Access to the District Network through Server

Board members, District employees, and/or students, as well as contractors, vendors, and/or agents of the District, are permitted to use their personally-owned or District-owned computer or workstation and/or web-enabled devices of any type to remotely (i.e. away from District property and facilities) access the District's server and thereby connect to the District's Network. This policy is limited to remote access connections that are used to do work on behalf of or for the benefit of the District, including, but not

limited to, reading or sending e-mail and reviewing District-provided intranet web resources and completing assigned coursework.

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

A. his/her computer/device must have active on it an anti-virus program with the latest updates from the manufacturer

B. the individual may only access the network using his/her assigned user name and password

The individual is prohibited from allowing other persons, including friends and family members, to use his/her user name and password to login into the network. The user may not go beyond his/her authorized access.

C. his/her device may not be connected to any other network at the same time s/he is connected to the network, with the exception of personal networks that are under the complete control of the user

D. his/her device may not, at any time while the individual is using remote access to connect to the network, be reconfigured for the purpose of connecting to another (an additional) network

E. use of the network, whether connected directly or remotely, is contingent upon the individual abiding by the terms and conditions of the Board's Technology Acceptable Use and Safety policies and guidelines

Users are required to sign the applicable agreement form (Form 7540.03 F1 or Form 7540.04 F1) prior to being permitted to use remote access.

Additional standards and regulations for remotely accessing and connecting to the District network shall be published in AG 7543 - Standards and Regulations for Remote Access and Connection.

Any user who violates this policy may be denied remote access and connection privileges.

Any employee who violates this policy may be disciplined, up to and including termination; any contractor, vendor, and/or agent who violates this policy may have his/her contract with the District terminated; and any student who violates this policy may be disciplined up to and including suspension or expulsion.

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po7545

ELECTRONIC COMMUNICATIONS

7545 - **ELECTRONIC COMMUNICATIONS**

The advancement of technology has provided many new ways for individuals to communicate with one another. These electronic communications include social networking sites, instant messaging, text messaging, e-mailing and photo-sharing, among others. Additional methods of electronic communication can be anticipated as the technology continues to evolve.

However, use of such technology must be approached with caution by School District employees. Given the nature of the communications, there is a significant potential both for inappropriate use and for alleged inappropriate use. To protect staff and students, the following restrictions are established:

A. Electronic communications with students should be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited, including any type of sexually suggestive comments, photos, or graphics.

B. Electronic communications with other employees should be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited.

C. Electronic communications during work time shall only be allowed for work-related matters or personal emergencies. Work time is defined as all paid work time that is not a designated break or meal period.

D. Electronic communications with students are only to occur through District maintained e-mail accounts or websites.

The District may require the employee to produce records for review when there is reason to believe that this policy has been violated. Records within the District's control may be reviewed periodically to assure that this policy is being complied with. These may include Internet logs, cellphone records, or other similar documentation.

Questions regarding acceptable electronic communications or unwelcomed electronic communications from someone associated with the District should be submitted to the Superintendent.

po8120

IRAN ECONOMIC SANCTIONS ACT COMPLIANCE

8120 - **IRAN ECONOMIC SANCTIONS ACT COMPLIANCE**

The District will not enter into or renew a contract with any Iran linked business while Iran is a State sponsor of terror as defined under Section 2 of the Divestment From Terror Act, 2008 PA 234, M.C.L. 129.292. To this end, and in accordance with the Iran Economic Sanctions Act of Michigan, the District shall require a person that submits a bid on a request for proposal with the District to certify that it is not an Iran linked business.

If the District determines, using credible information available to the public, that a person has submitted a false certification, the District shall provide the person with written notice of its determination and of the intent not to enter into or renew a contract with the person. The notice shall include information on how to contest the determination and specify that the person may become eligible for a future contract with the District if the person ceases the activities that cause it to be an Iran linked business. The person shall have ninety (90) days following receipt of the notice to respond in writing and to demonstrate that the determination of false certification was made in error. If a person does not make that demonstration within ninety (90) days after receipt of the notice, the District may terminate any existing contract and shall report the name of the person to the attorney general together with information supporting the determination.

"Person" means any of the following:

A. An individual, corporation, company, limited liability company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group.

B. Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in section 1701(c)(3) of the International Financial Institutional Act, 22 U.S.C. 262r(c)(3).

C. Any successor, subunit, parent company, or subsidiary of, or company under common ownership or control with, any entity described in subparagraph A. or B.

"Iran Linked Business" means either of the following:

A. A person engaging in investment activities in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran.

B. A financial institution that extends credit to another person, if that person will use the credit to engage in investment activities in the energy sector of Iran.

"Iran" means any agency or instrumentality of Iran.

"Energy Sector of Iran" means activities to develop petroleum or natural gas resources or nuclear power in Iran.

"Investment" means one (1) or more of the following:

A. A commitment or contribution of funds or property.

B. A loan or other extension of credit.

C. The entry into or renewal of a contract for goods or services.

"Investment activity" means one (1) or more of the following:

A. A person who has an investment of $20,000,000.00 or more in the energy sector of Iran.

B. A financial institution that extends $20,000,000.00 or more in credit to another person, for forty-five (45) days or more, if that person will use the credit for investment in the energy sector of Iran.

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po8142

CRIMINAL HISTORY RECORD CHECK

8142 - **CRIMINAL HISTORY RECORD CHECK**

Before the District hires any employee (full or part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"Under contract" shall apply to individuals, as well as owners and employees of entities, who contract directly with the District or with a third-party vendor, management company, or similar contracting entity, to provide food, custodial, transportation, counseling or administrative services on more than an intermittent or sporadic basis. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the District, the District shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the District or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the District prior to the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information ("CHRI").[1] Where the District will contract with a Private Contractor for the services of an individual, the District shall notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the District. The District may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the District should use the Affidavit of Assignment or similar "red light/green light" procedure.

Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

A. the record check has been requested;

B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and

C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

For substitute teachers or substitute bus drivers currently working in another district, public school academy or non-public school in the State, the Superintendent may use a report received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

Individuals working in multiple districts may authorize the release of a prior criminal history records check with another district in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a school district, intermediate school district, public school academy or non-public school within the State, with no separation, may have their previous record check sent to the District in lieu of submitting to a new criminal background check. If this method is used, the

Superintendent must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a layoff or leave of absence of less than twelve (12) months with the same employer; or the employee transfers without a break in service to another school district, intermediate school district, public school academy or non-public school within the State.

All criminal history record check reports received from the State Police or produced by the State Police and received by the District from another proper source will be maintained in the individual's confidential file, which must be maintained in compliance with Policy 8321 and AG 8321.

When the District receives a report that shows an individual has been convicted of a listed offense under state statutes or any felony, the Superintendent shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any felony unless both the Superintendent and the Board provide written approval.

The District must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the District with regard to such conviction. Such report shall be filed within sixty (60) days or receipt of the original report of the conviction.

The Superintendent shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the State Police. In addition, the Superintendent shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must submit, at no expense to the District, a set of fingerprints, prepared by an entity approved by the Michigan State Police, upon receiving an offer of employment, or as required by State law for continued employment.

Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications. Records involving misdemeanor convictions for sexual or physical abuse or any felony are not subject to these restrictions. Violation of confidentiality is considered a misdemeanor punishable by a fine up to $10,000.

Any notification received from the Michigan Department of Education or Michigan State Police regarding District employees with criminal convictions shall be exempt from disclosure under the Freedom of Information Act (FOIA) for the first fifteen (15) days until the accuracy of the information can be verified. Thereafter, only information about felony convictions or misdemeanor convictions involving physical or sexual abuse may be disclosed in reference to a FOIA request.

Criminal history reports may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school academy or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

_____

[1] Individuals who act on behalf of the District, work on a regular or continuous basis in the District, are involved in the hiring process of District employees, and have successfully undergone a fingerprint-based criminal history record check by the District, may continue to submit and receive such criminal history record checks on behalf of the District, regardless of their status as employees, contractors, vendors or similar classification.

Revised 9/11/14

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po8142.01

WEAPONS

8142.01 - **WEAPONS**

The Board of Education prohibits any person who is under contract from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events, or in a District vehicle without the permission of the Superintendent.

"Under contract" shall apply to individuals, as well as owners and employees of entities, who contract directly with the District or with a third-party vendor, management company, or similar contracting entity, to provide food, custodial, transportation, counseling or administrative services to the District. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

The term "weapon" means any object which, in the manner in which it used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited firearms, guns of any type including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapon described in 18 U.S.C. 921.

The Superintendent shall refer an individual who violates this policy to law enforcement officials. The District may also take other action against the individual and/or his/her employer, including, but not limited to, requiring that the individual not be allowed to provide services to the District in the future and/or terminating any contractual relationship with the individual and/or the employer.

Exceptions to this policy include:

A. weapons under the control of law enforcement personnel;

B. items approved by a Principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)

C. theatrical props that do not meet the definition of "weapons" above, used in appropriate settings;

D. starter pistols used in appropriate sporting events.

Individuals under contract shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or other individuals to the building principal.

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po8210

SCHOOL CALENDAR

8210 - **SCHOOL CALENDAR**

The Board of Education shall ensure that its school calendar complies with the common calendar adopted by the Monroe County Intermediate School District (ISD) unless the District is statutorily exempt from this requirement or receives a waiver from the Superintendent of Public Instruction in compliance with State law. The common calendar will identify the specific dates for each school year when school will not be in session for at least a winter holiday break, and a spring break for at least the next five (5) school years, and may further describe them more generally for subsequent school years as long as the dates can be readily determined. This calendar shall be posted on the District's web site and distributed to the District's constituents. The calendar shall provide for the instructional program of the schools, for orderly educational planning, and for the efficient operation of the District.

The Board shall determine annually the total number of days when the schools will be in session for instructional purposes. To avoid withholding of State-school aid payments, the number of days and number of hours will be in accordance with statute. The Board shall ensure that the school is not in session before Labor Day unless the District is statutorily exempt from this requirement or receives a waiver from the Superintendent of Public Instruction in compliance with State law.

A school session shall not be held on the following public holidays in Michigan Public Schools: January 1st, New Year’s Day; the last Monday of May, Memorial or Decoration Day; July 4th, Independence Day; the first Monday in September, Labor Day; the fourth Thursday of November, Thanksgiving Day; and December 25th, Christmas Day.

If one (1) of these days falls on Sunday, the Monday following shall be a public holiday in the public schools.

The District shall provide at least 1,098 hours during 180 days of student instruction per school year unless it obtains a waiver from this requirement.

The District's Superintendent is authorized to work with the Intermediate School District on the development of a common calendar for all of the districts in the ISD.

No more than six (6) days of student instruction lost due to conditions, not within the control of the District (e.g., severe storms, fires, epidemics, and health conditions), can be counted as a part of the required minimum hours/days of instruction. With the approval of the Superintendent of Public Instruction, not more than three (3) additional days or the equivalent number of additional hours for which instruction is not provided due to unusual and extenuating occurrences resulting from conditions not within the control of school authorities (such as those conditions described above) shall be counted. Hours lost due to strikes by District staff or to teacher conferences, unless approved as qualifying professional development in accordance with State law, shall not be counted as hours of instruction.

The Superintendent shall certify to the Department of Education by no later than August 1st of each year, the number of hours of student instruction during the previous school year.

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Revised 12/10/18

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po8220

SCHOOL DAY

8220 - **SCHOOL DAY**

The Board of Education authorizes the school day to be arranged and scheduled by the administration. It is to offer the maximum education for the time spent within the limitations of school facilities and the laws and regulations of the State.

The Superintendent may close the schools, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. S/He shall prepare rules for the proper and timely notification of concerned persons and parents in the event of any emergency closing of the schools.

The Superintendent shall have the authority to determine which school-related activities may be conducted if the school is closed for a period of time. S/He shall prepare appropriate guidelines for communication to students, parents, and others regarding the scheduling and conduct of such activities.

po8300

CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN

8300 - **CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN**

The Board of Education shall develop and implement a Continuity of Organizational Operations Plan ("COOP") to enable it to conduct, if necessary, essential functions and critical services and operations (e.g., teaching and learning, transportation, business services, communication, computer/network systems support, facilities, maintenance, and safety and security) under all hazards/conditions. The District's COOP shall be a component of the District's School Safety Emergency Management Plan (see Policy 8400 - School Safety Information and Policy 8402 - Emergency Operations Plan). Having a plan to recover from any type of crisis/emergency/disaster, regardless of its severity or the consequences of the incident/event, strengthens the District's resilience so it can operate with minimal impact on its primary mission/responsibility to educate the students enrolled in the District, involves teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources.

Scope of the Continuity Plan

The primary objective of the COOP is to restore the District’s critical operational/business functions and the learning environment as quickly as possible after a crisis/emergency/disaster or threat event occurs.

The District will use the following process to achieve essential function resilience (i.e., business and learning continuity):

A. identify essential functions;

B. determine planning factors needed to accomplish the essential functions (e.g., staff and organization, equipment and systems, information and data, sites);

C. conduct risk assessments for each planning factor; and

D. identify and implement continuity options.

Because the COOP contains sensitive information, by law, it is confidential and exempt from public disclosure.

Planning for the continuity of operations of a school system in the aftermath of a disaster is a complex task. The current threat environment and recent emergencies, including acts of nature, accidents, technological emergencies, cybersecurity incidents (including data breaches, ransomware, and denial of service attacks), and terrorist threats and attacks, have increased the need for viable continuity capabilities and plans that enable the District to resume and continue the essential functions in an all-hazards environment across a full spectrum of crises/emergencies/disasters. Such conditions have increased the importance of having continuity plans in place that provide stability of essential functions across the various levels of public government and private enterprises.

The planning and development of continuity of an organizational operations plan, as well as the ongoing review, testing, and revision of such a plan, is important for the overall District. Each school and operational department (e.g., transportation, information technology ("IT"), food service, and student services) shall maintain a site/department-specific COOP aligned with the District-wide COOP. The site/department-specific COOPs are subject to annual submission to, and review by, the Superintendent.

The District-wide plan describes how the District will respond as a total organization to a given emergency and describes the centralized resources and how they will be

organized to implement the command and control necessary to function during the life cycle of the event. Individual school and departmental plans shall contain the details related to the continuity plan for those specific sites and functional areas to prepare for an incident/event, communicate throughout the duration of the incident/event, assess the impact of the incident/event on essential functions in the school/department, respond to the incident/event, and detail what will be done to recover from the incident/event.

The COOP shall account for the needs of all students and staff, including individuals with disabilities, English learners, and students requiring health and/or behavioral supports in compliance with the Individuals with Disabilities Education Improvement Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and the Americans with Disabilities Act ("ADA").

Preparation for, response to, and recovery from a disaster affecting administrative, educational, and support functions of the District's operations requires the cooperative efforts of external organizations, in partnership with the functional areas supporting the business of the District. This includes local government agencies, law enforcement, emergency management, medical services, and vendors necessary to District operations. The COOP outlines and coordinates all efforts by the District, in cooperation with other local and State agencies and businesses, to restore the essential functions of the District post-incident/event.

The Superintendent shall provide that all relevant staff receive periodic training on their roles in the COOP.

Key components of the COOP shall be communicated to employees, students, and families as appropriate.

The Superintendent shall develop and recommend the COOP for Board of Education review and approval; however, the COOP shall be considered a confidential document not subject to release under State public records laws, and accordingly, no copies shall be provided for public review during the adoption process.

The Superintendent shall conduct an annual review of and update to, as necessary, the COOP. Additionally, the Superintendent shall conduct annual table-top exercises to assess the expected effectiveness of the COOP and after-action reviews post-incident/event. See Policy 8400 – School Safety Information and Policy 8402 - Emergency Operations Plan (which discusses the conduct of annual emergency management tests).

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po8305

INFORMATION SECURITY

8305 - **INFORMATION SECURITY**

The District collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the District. This data/information may be in hard copy or digital format and may be stored in the District or off-site with a third party provider.

Data/information collected by the District shall be classified as Confidential, Controlled, or Published. The Superintendent shall define “Confidential,” “Controlled,” and “Published” in administrative guidelines and provide examples of data/information in each classification. Data/Information will be considered Controlled until identified otherwise.

Protecting District Information Resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone’s active participation to keep the District’s data/information secure. This includes Board of Education members, staff members/employees, students, parents, contractors/vendors, and visitors who use District Information & Technology Resources (as defined in Bylaw 0100). If an employee suspects, discovers, and/or determines that a security breach has occurred, the employee shall promptly notify the employee’s immediate supervisor and the Superintendent. The employee should follow up their oral notification in writing. The Superintendent will determine and implement the steps necessary to correct the unauthorized access and, as applicable, provide notification to those individuals whose personal information may have been compromised.

Staff members, and individuals associated with the District through their affiliation with a District contractor/vendor, who are granted access to data/information collected and retained by the District must follow established procedures so that the

data/information is protected and preserved. Board members, administrators, and all District staff members, as well as contractors, vendors, and their employees, granted access to data/information retained by the District are required to certify annually that they shall comply with the established information security protocols pertaining to District data/information. Further, all persons granted access by the District to Confidential Data/Information retained by the District must certify annually that they will comply with the information security protocols pertaining to Confidential Data/Information. For staff members, completing the appropriate section of the Staff Technology Acceptable Use and Safety form (Form 7540.04 F1) shall provide this certification.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the District Technology Resources on which it is stored. The Superintendent shall conduct an annual risk assessment related to the access and security of the District's Data/Information. Further, the District will maintain audit logs for access to Confidential Data/Information and regularly review such logs to detect unauthorized activity.

District information security procedures shall comply with applicable Federal and State law including, but not limited to, the Family Educational Rights and Privacy Act ("FERPA"), Protection of Pupil Rights Amendment ("PPRA"), and Children's Online Privacy Protection Act ("COPPA") regarding data breaches.

If an individual has any questions concerning whether this Policy and/or its related administrative guidelines apply to them, or how they apply to them, the individual should contact the District's Technology Director or Information Technology Department/Office.

The Superintendent shall develop administrative guidelines that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of District Data/Information.

Further, the Superintendent is charged with developing a program and/or procedures that can be implemented in the event of a cybersecurity incident, whether it involves an inadvertent or intentional unauthorized release or breach of data/information. The program/procedures shall comply with the District's legal requirements as delineated below. In particular, in the event of a breach involving personally identifiable information, the District shall notify affected individuals and/or government officials in accordance with State and Federal law.

Cybersecurity incident" means any of the following:

A. A substantial loss of confidentiality, integrity, or availability of a covered entity's information system or network;

B. A serious impact on the safety and resiliency of a covered entity's operational systems and processes;

C. A disruption of a covered entity's ability to engage in business or industrial operations, or deliver goods or services; or

D. Unauthorized access to an entity's information system or network, or nonpublic information contained therein, that is facilitated through or is caused by:

1. a compromise of a cloud service provider, managed service provider, or other third party data hosting provider; or

2. a supply chain compromise.

"Cybersecurity incident" does not include mere threats of disruption as extortion; events perpetrated in good faith in response to a request by the system owner or operator; or lawfully authorized activity of a United States, State, local, tribal, or territorial government entity.

"Ransomware incident" means a malicious cybersecurity incident in which a person or entity introduces software that gains unauthorized access to or encrypts, modifies, or otherwise renders unavailable a political subdivision's information technology systems or data and thereafter, the person or entity demands a ransom to prevent the publication of the data, restore access to the data, or otherwise remediate the impact of the software.

Cybersecurity Program

The District's cybersecurity program shall be designed to safeguard the District's data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The program shall be consistent with generally accepted best practices for cybersecurity, such as the National Institute of Standards and Technology's cybersecurity framework and the Center for Internet Security's cybersecurity best practices, and may include, but is not limited to, the following:

A. Identify and address the critical functions and cybersecurity risks facing the District.

B. Identify the potential impacts of a cybersecurity breach.

C. Specify mechanisms to detect potential threats and cybersecurity events.

D. Specify procedures for the District to establish communication channels, analyze incidents, and take actions to contain cybersecurity incidents.

E. Establish procedures for the repair of infrastructure impacted by a cybersecurity incident and the maintenance of security after the incident.

F. Establish cybersecurity training requirements for all Board employees; the frequency, duration, and detail of which shall correspond to the duties of each employee.

Following a cybersecurity incident or ransomware incident, the Superintendent shall notify:

A. The Executive Director of the Division of Homeland Security within the Department of Public Safety, as soon as possible, but not later than seven (7) days after the District discovers the incident.

B. The Auditor of State, as soon as possible, but not later than thirty (30) days after the District discovers the incident.

Any records, documents, or reports related to the District's cybersecurity program and framework, along with the reports of a cybersecurity incident or ransomware incident addressed in the preceding paragraph, are not public records. Similarly, a record identifying cybersecurity-related software, hardware, goods, and services that are being considered for procurement, have been procured, or are being used by the District, including the vendor name, product name, project name, or project description, is a security record.

All staff members with access to Controlled and/or Confidential Data/Information must complete training on data privacy, information security practices (e.g., internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols), and breach response protocols.

Third party contractors/vendors who require access to Confidential Data/Information collected and retained by the District will be informed of relevant Board policies that govern access to and use of Information Resources, including the duty to safeguard the confidentiality of such data/information. Additionally, all contracts with third party

contractors/vendors (e.g., technology providers) who access District Data/Information shall include provisions addressing data security, breach notification, data ownership, confidentiality, and destruction upon termination. Further, a contract between a technology provider and the District shall ensure appropriate security safeguards for education records and includes the following:

A. a restriction on unauthorized access by the technology provider's employees or contractors;

B. a requirement that the technology provider's employees or contractors may be authorized to access education records only as necessary to fulfill the official duties of the employee or contractor; and

C. a stipulation that the District owns the data/information.

Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retained by the District at risk. Employees who violate this policy and/or its related administrative guidelines may be disciplined, up to and including termination of employment and/or referral to law enforcement. Students who violate this Policy and/or its related administrative guidelines will be disciplined, up to and including expulsion and/or referral to law enforcement. Contractors/vendors who violate this Policy and/or its related administrative guidelines may face termination of their business relationships with and/or legal action by the District. Parents and visitors who violate this Policy and/or its related administrative guidelines may be denied access to the District's Information & Technology Resources.

At least annually, the Superintendent shall conduct an assessment of risk related to the access to and security of the data/information collected and retained by the District.

T.C. 12/11/23
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po8310

PUBLIC RECORDS

8310 - **PUBLIC RECORDS**

The Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Michigan for inspection and reproduction.

The public records of this District include any writing or other means of recording or retaining meaningful content prepared, owned, used, in the possession of, or retained by the District, its Board, officers, or employees, subject to certain exemptions according to the Michigan Freedom of Information Act (FOIA). The District shall not disclose the confidential address of a student or of an employee who has provided proper notice of a participation card issued by the department of the attorney general under the address confidentiality program act.

Any person may make a written request for any public records of the District. The person may inspect, copy, or receive copies of the public record requested. The District shall respond to such requests within five (5) working days after receipt unless otherwise agreed to in accordance with the Freedom of Information Act.

An individual may purchase copies of the District's public records upon payment of a fee. No original public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Neither the Board nor its employees shall permit the release of the social security number of an employee, student, or other individual except as authorized by law (see Policy 8350 and AG 8350).

The Board chooses not to provide for enhanced access to any of its public records.

The Board has determined that personal and confidential information provided to and retained by the District on parents, students, staff and others will be considered exempt from disclosure pursuant to a Freedom of Information Act request, unless advised specifically by the District's legal counsel that the particular information must be released. Such personal and confidential information shall include home addresses, telephone numbers, e-mail addresses or website pages (e.g. My Space, Facebook), except as they are specifically related to the operation of the schools, or specifically authorized for release by the individual, or the parent/guardian if the individual is a minor.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this District, except student records and certain portions of personnel records.

The Superintendent is authorized to dispose of correspondence on a daily basis including those transmitted by means of voice mail or E-mail, providing the message does not alter existing District records.

The Superintendent is responsible for transmission of data contained in the single record student data base established by the Michigan Department of Education. Such transmission shall be in accordance with procedures established by the Monroe County Intermediate School District and the Center for Educational Performance and Information (CEPI).

The Superintendent shall establish administrative guidelines to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

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po8315

INFORMATION MANAGEMENT

8315 - **INFORMATION MANAGEMENT**

The Board of Education recognizes its responsibility, in certain circumstances, to maintain information created, maintained, or otherwise stored by the District outside the "Records Retention Schedule". In such situations, a "Litigation Hold" procedure will be used to identify and preserve information relevant to a specific matter. "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the District will identify individuals in possession or custody of paper documents, ESI, and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule". The District will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the District, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements. Failure to comply with a Litigation Hold notice may result in discipline, up to and including possible termination.

Instances where the Board must maintain information outside the "Records Retention Schedule" include:

A. when the Board has specific information and/or written notice from a parent/guardian, student, or another person representing the parent/guardian or student of an intent to file an appeal of student discipline to State court;

B. when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;

C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;

D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees, or agents at an administrative agency such as the Equal Employment Opportunity Commission, Michigan Employment Relations Commission, U.S. Department of Education Office for Civil Rights, Michigan Department of Education Office for Special Education, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;

E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Michigan Employment Relations Commission, U.S. Department of Education Office for Civil Rights, Michigan Department of Education Office for Special Education, State Personnel Board of Review, or a Civil Service Commission regarding a claim filed against the Board, its members, employees or agents;

F. when the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation involving that third party;

G. when the Superintendent recommends the termination of an employee to the Board pursuant to a labor contract;

H. when the Board explores, contemplates or initiates litigation.

Definitions

"Documents" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound/audio recordings, images, video recordings, and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" means any type of information that is created, used, and stored in digital form and accessible by digital means. It includes all data, digital documents or files, or other information contained on any media type (e.g., tape, hard disk drive, cloud storage, or some yet-to-be-created storage technology). Specifically, it includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound/audio recordings, images, video recordings, and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. Examples include: e-mails and their attachments, text and instant messages, communications conducted in ephemeral messaging applications or in workplace collaboration tools, word processing documents, spreadsheets, digital photographs/pictures, videos, application programs and data files, data/information stored in databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, digital scans (including TIFF files), PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voicemails, phone/call logs, faxes, internet/browser histories, caches, cookies, or logs of activity on computer systems (whether internal to the District or external) that may have been used to process or store electronic data. ESI also includes data/information from cloud applications (e.g., educational or operational services/apps), electronic records of online activity (e.g., social media postings), and data generated or stored by devices connected to the Internet of Things (IoT).

"Electronic media" includes, but is not limited to, computer hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's, CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, microfilm, backup tapes, cassette tapes, cartridges, etc.), accessed, used, and/or stored on/in/through the following locations: networks and servers, whether internal or external (including the cloud); laptop and desktop work

computers; home and personal computers; other computer systems; databases; backup computers or servers, whether internal or external (including cloud storage); archives; mobile devices (e.g., mobile/cellular phones and tablet computers, personal digital assistants ("PDAs" - including Palm, Blackberry), etc.); pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media also includes social media websites (e.g., Facebook, Twitter, LinkedIn) and any item containing or maintaining ESI that is obtained by the District for Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy was first adopted into the future.

Initiation and Removal of a "Litigation Hold"

The Board or the Superintendent may initiate a "Litigation Hold" under this policy. If the Superintendent initiates a "Litigation Hold," the Superintendent or Board's legal counsel will notify the Board of the reason the Litigation Hold was instituted and its scope. When implementing a Litigation Hold, the Board or Superintendent may utilize an Electronically Stored Information Team ("ESI Team"). The Board's legal counsel shall be involved in implementation of the "Litigation Hold Procedure" outlined in AG 8315.

A "Litigation Hold" shall remain in place until removed/withdrawn by the Board. A "Litigation Hold" may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the "Records Retention Schedule" in AG 8310A once the "Litigation Hold" is removed/withdrawn.

The Superintendent shall develop administrative guidelines outlining the procedures to be followed by Board members and employees when initiating and implementing a "Litigation Hold." This policy and its related administrative guidelines shall be posted and distributed in the manner described in AG 8315.

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po8320

PERSONNEL FILES

8320 - **PERSONNEL FILES**

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The Board of Education requires that sufficient records exist to ensure an employee's qualifications for the job held; compliance with Federal, State, and local benefit programs; conformance with District rules; and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Michigan.

Unless the District is required by law to provide this information to a third party, the District shall not disclose an employee's home address or contact information to a third party without the employee's written authorization.

The Board delegates the maintenance of an employee personal information system to the Superintendent.

A single central file shall be maintained, and subsidiary records shall be maintained for ease in data gathering only.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file. Employees shall provide necessary information for

their personnel files. If providing the requested information is optional, employees shall be informed of their right to decline to supply the information.

Employee medical records, including but not limited to insurance forms, medical certifications by a physician, and requests for leave or accommodation, shall not be maintained in the employee's personnel file and shall instead be maintained in a confidential medical file.

A copy of each such entry shall be given to the employee upon request, except for matters pertaining to pending litigation.

An employee may review their personnel record upon written request.

A. request access in writing;

B. review the record in the presence of the administrator designated to maintain said records or designee;

C. make no alterations or additions to the record nor remove any material therefrom;

D. sign a log attached to the file indicating date and person reviewing.

Personnel records shall not be available to Board members and school administrators except as may be required in the performance of their jobs.

The personnel files shall be reviewed periodically, and material no longer required shall be destroyed.

Any employee who inappropriately releases information or uses confidential information for personal reasons will be disciplined in accordance with established policies and procedures. If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information in accordance with applicable procedures or refer the requestor to the employee's immediate supervisor.

Personnel wishing to appeal material in their record as to its accuracy, completeness, relevance, or timeliness shall make a request in writing to the administrator delegated to maintain the records and specify therein:

A. name and date;

B. material to be appealed;

C. reason for appeal.

The responsible administrator shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

If the appeal does not resolve the disagreement, the employee may submit a written statement, not exceeding five (5) sheets of 8 1/2 inch by 11 inch paper, explaining the employee’s position. This written statement shall be kept in the employee’s file.

Records Retention

Generally, personnel files shall be maintained for the duration of the individual's employment with the District, plus six (6) years. Files maintained on employees who were cited for unprofessional conduct shall be maintained for the duration of employment plus fifty (50) years.

Medical files shall be maintained for the period during which the individual is employed by the District or receiving benefits, whichever is longer, plus seven (7) years.

Per the State of Michigan Records Retention and Disposal Schedule for Public Schools, 404A.

State of Michigan Records Retention and Disposal Schedule for Public Schools at 400A and 400B.

The Superintendent shall prepare administrative guidelines defining which personnel records are to be maintained and the procedures for their maintenance and review.

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po8321

CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)

8321 - **CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)**

The District is required by State law to have the Michigan State Police (MSP) obtain both a State and a Federal Bureau of Investigation (FBI) criminal history record information (CHRI) background check report for all employees of the District and contractors, vendors and their employees who work on a regular and continuous basis in the District. This policy provides the appropriate access, maintenance, security, confidentiality, dissemination, integrity, and audit requirements of CHRI in all its forms, whether at rest or in transit. This policy/procedure shall be reviewed and updated at least annually and following any security incidents involving CHRI. To assure the security, confidentiality, and integrity of the CHRI background check information received from the MSP/FBI, the following standards are established:

A. **Sanctions for Non-Compliance**

Employees who fail to comply with this policy, State and Federal law, current CJISSECPOL, rules or regulations, and any guidelines issued to implement this policy will be subject to discipline for such violations. Discipline can range from counseling and retraining to discharge and prosecution, based on the nature and severity of the violation, at the District's discretion. All violations will be recorded in writing, with the corrective action taken. The Superintendent shall review, approve, sign, and date all such corrective actions.

B. **Local Agency Security Officer (LASO)**

The Superintendent shall be designated as the District’s Security Officer ("LASO"). The LASO is an authorized user/personnel, has completed a fingerprint-based background check where required, and has been found appropriate to access CHRI, and an employee directly involved in evaluating an

individual's qualifications for employment or assignment. The LASO and shall be responsible for overall implementation of this policy and for data and system security. This shall include:

1. identifying who is using or accessing CHRI and/or systems with access to CHRI;

2. identifying and documenting any equipment connected to the State system;

3. ensuring that personnel security screening procedures are being followed as set forth in this policy;

4. ensuring that approved and appropriate security measures are in place and working as expected;

5. supporting policy compliance and instituting the incident response reporting procedures;

6. ensuring annual awareness and training is being completed by all personnel with authorized access to the CHRI;

7. ensuring that the Michigan State Police are promptly informed of any security incidents involving the abuse or breach of the system and/or access to criminal justice information;

8. reviewing and updating information security policy/procedures annually or after security incidents involving CHRI;

9. employing one (1) or more of the following techniques to increase the security and privacy awareness of system users: displaying posters, offering supplies inscribed with security and privacy reminders; displaying logon screen messages; generating email advisories or notices from organizational officials; conducting awareness events; and

10. to the extent applicable, identifying who is using the Michigan State Police-approved hardware, software, and firmware, and ensuring that no unauthorized individuals have access to these items.

The District's LASO shall be the point of contact for the Michigan State Police and should be the person most knowledgeable about this policy. The District's LASO shall be designated on the appropriate form as prescribed and maintained by the Michigan State Police. A new form shall be submitted every time a new LASO is designated and kept on file by the District indefinitely.

C. **Privacy Act Statement Disclosure**

The District shall ensure that the applicant receives the Federal Privacy Act Statement Disclosure by providing the applicant with the most current version of the MSP RI-030 Live Scan consent form. The applicant will receive this information by hard or electronic copy.

D. **Agency User Agreements**

The District shall enter into any required User Agreement for Release of CHRI ("User Agreement"), and future amendments, by the Michigan State Police necessary to access the required CHRI on applicants, volunteers, and all other statutorily required individuals, such as contractors and vendors and their employees assigned to the District. The LASO shall be responsible for the District's compliance with the terms of any such User Agreement.

E. **Personnel Security**

Authorized users/personnel shall be individuals who have been appropriately vetted through a national fingerprint-based background check, as required by school safety legislation, and have been granted access to CHRI data, wherein access is only for the purpose of evaluating an individual's qualifications for employment or assignment.

1. **Subsequent Arrest/Conviction** - If an individual granted access to criminal justice information is subsequently arrested and/or convicted, access shall be suspended immediately until the matter is reviewed by the LASO to determine if continued access is appropriate. Such determination shall be recorded in writing, signed, dated and maintained with the individual's file. In the event that the LASO has the arrest/conviction, the Superintendent (if not the designated LASO) shall make the determination. If the Superintendent is also the designated LASO, the determination shall be made by the Board President; except that, as noted in D(1)(a), individuals with a felony conviction of any kind will have access indefinitely suspended.

2. **Public Interest Denial** - If the LASO determines that access to criminal justice information by any individual would not be in the public interest, access shall be denied whether that person is seeking access or has previously been granted access. Such decision and reasons shall be in writing, signed, dated, and maintained in the individual's file.

3. **Approval for Access** - All requests for access to criminal justice information shall be as specified and approved by the LASO. Any such designee must be a direct employee of the District. The District must maintain a readily accessible list that includes the names of all LASO-approved personnel with access to criminal justice information, as well as the reason for providing each individual access. This list shall be made available to the Michigan State Police upon request.

4. **Notification of Termination of Employment/Access or Transfer/Re-assignment** - When an employee's access or employment is terminated, or if the duties for accessing criminal justice information have been transferred or re-assigned to another individual, the designated individualshall be notified promptly in writing. The individual responsible for the termination or transfer/re-assignment shall directly notify the Director of Human Resources.

5. **Termination of Employment/Access** – Within twenty-four (24) hours of the termination of employment, all access to criminal justice information shall be terminated immediately for that individual, such as requiring the individual to return any keys or access cards to buildings, offices, and/or

files, or closing the individual's account and/or blocking access to any systems containing such information at the District.

6. **Transfer/Re-assignment** - When an individual who has been granted access to criminal justice information has been transferred or re-assigned to other duties, the LASO shall determine whether continued access is necessary and appropriate. If not, the LASO shall take such steps as necessary to block further access to such information within the twenty-four (24) hour period immediately following the transfer or reassignment. If such access is not necessary and appropriate, steps to eliminate the individual's access will be taken immediately, such as requiring the individual to return any keys or access cards to buildings, offices, and/or files, or closing the individual's account and/or blocking access to any systems containing such information at the District.

F. **Media Protection**

Access to digital and physical media in all forms, which contains criminal history background information provided by the Michigan State Police through the statutory record check process, is restricted to authorized individuals only. Only individuals involved in the hiring determination of both District employees and volunteers shall be authorized to access digital and physical media containing CHRI.

1. **Media Storage and Access** – All digital and physical media shall be stored in a physically secure location or controlled area, such as a locked office, locked cabinet, or other similarly secure area(s) which can only be accessed by authorized individuals. If such security cannot be reasonably provided, then all digital CHRI background data shall be encrypted. Access to such media will be secured at all times when not in use or under the supervision of an authorized individual. Digital media shall be stored on a District or School server and unless encrypted, shall be maintained in a lockable filing cabinet, drawer, closet, office, safe, vault, etc. Storage on a third party server, such as cloud service, is not permitted. Storage of digital media must conform to the requirements in AG 8321 and must be encrypted. Physical media will be stored within individual records when feasible, or by itself when necessary, and will be maintained in a lockable filing cabinet, drawer, closet, office, safe, vault, etc.

2. **Media Transport** – Digital and physical media shall only be transported upon sufficient justification approved by the LASO. Digital and physical

media shall be protected when being transported outside of a controlled area. Only authorized individuals shall transport the media. Physical media (e.g. printed documents, printed imagery, etc.) shall be transported using a locked container, sealed envelope, or other similarly secure measure. To the extent possible, digital media (e.g., hard drives and removable storage devices such as disks, tapes, flash drives and memory cards) shall be either encrypted and/or be password protected during the transport process. The media shall be directly delivered to the intended person or destination and shall remain in the physical control and custody of the authorized individual at all times during transport. Access shall only be allowed to an authorized individual.

3. **Media Disposal/Sanitization** – When the CHRI background check is no longer needed, the media upon which it is stored shall either be destroyed or sanitized. The LASO and the Superintendent shall approve in writing the media to be affected. This record shall be maintained by the LASO during the individual's active employment plus an additional six (6) years.

    a. **Digital Media** - Sanitization of the media and deletion of the data shall be accomplished by either overwriting at least three (3) times or by degaussing, prior to disposal or reuse of the media, but optical media (such as CDs and DVDs) will be physically destroyed. If the media is inoperable or will not be reused, it shall be destroyed by shredding, cutting, or other suitable method to assure that any data will not be retrievable.

    b. **Physical Media** – Disposal of documents, images, or other type of physical record of the criminal history information shall be cross-cut shredded or incinerated. Physical security of the documents and their information shall be maintained during the process by authorized individuals. Documents may not be placed in a waste basket or burn bag for unauthorized individuals to later collect and dispose of.

All disposal/sanitization shall be either conducted or witnessed by authorized personnel to assure that there is no misappropriation of, or unauthorized access to, the data to be deleted. Written documentation of the steps taken to sanitize or destroy the media shall be maintained for ten

(10) years, and must include the date as well as the signatures of the person(s) performing and/or witnessing the process. (See also, AG 8321.)

4. **Personal Mobile Devices** – A personally owned mobile device (mobile phone, tablet, laptop, etc.) or no identifiable owner digital media device shall not be authorized to access, process, store or transmit criminal justice information unless the District has established and documented the specific terms and conditions for personally owned mobile devices through a Mobile Device Management (MDM) system. An MDM is not required when receiving CHRI from an indirect access information system (i.e., the system provides no capability to conduct transactional activities on State and national repositories, applications, or services).

5. **CHRI Background Check Consent and Documentation**

   All individuals requested to complete a fingerprint-based CHRI background check must execute Michigan State Police Form RI-088A at the time of application, and be notified fingerprints will be used to check the criminal history records of the FBI, prior to completing a fingerprint-based CHRI background check. The most current and unaltered Livescan form (RI-030) will satisfy this requirement and must be retained. Individuals subject to a fingerprint-based CHRI background check shall be provided the opportunity to complete or challenge the accuracy of the individual's criminal history record.

   Some type of documentation identifying the position for which a fingerprint-based CHRI background check has been obtained must be retained for every CHRI background check conducted, such as the "Agency User Agreement" (RI-087), an offer letter, employment agreement, new hire checklist, employment contract, volunteer background check form, etc.

6. **Controlled Area/Physical Protections**

   All CHRI obtained from the Michigan State Police pursuant to the statutorily required background checks shall be maintained in the Business Office, which is a physically secure and controlled area. The following security precautions will apply to the controlled area:

a. Limited unauthorized personnel access to the area during times that criminal justice information is being processed or viewed.

b. The controlled area shall be locked at all times when not in use or attended by an authorized individual.

c. Information systems devices (e.g., computer screens) and physical documents, when in use, shall be positioned to prevent unauthorized individuals from being able to access or view them.

d. Encryption shall be used for digital storage of criminal justice information. (See AG 8321)

7. **Passwords (Standard Authentication)[1]**

All authorized individuals with access to computer or systems where processing is conducted or containing criminal justice information must have a unique password to gain access. This password shall not be used for any other account to which the individual has access and shall comply with the following attributes and standards:

a. at least eight (8) characters long on all systems

b. not be a proper name or a word found in the dictionary

c. not be the same as the user identification

d. not be displayed when entered into the system (must use feature to hide password as typed)

e. not be transmitted in the clear outside of the secure location used for criminal justice information storage and retrieval

f. must expire and be changed every ninety (90) days

g. renewed password cannot be the same as any prior ten (10) passwords used (See also, AG 8321)

8. **Security Awareness Training**

All individuals who are authorized by the District to have access to criminal justice information or to systems which store criminal justice information shall have basic security awareness training as part of initial training for new users prior to accessing CJI and annually thereafter, and when required by system changes or within thirty (30) days of any security event for individuals involved in the event. LASOs require enhanced training on the specific duties and responsibilities of those positions and the impact those positions have on the overall security of information systems.

Training is a role-based security and privacy training for personnel with the following roles:

a. **Basic Role:** All individuals with unescorted access to a physically secure location. (Not typical for NCJAs)

b. **General Role:** All personnel with access to CJI. This level is designed for people who have physical and logical access to CJI.

c. **Privileged Role:** This level is designed for all information technology personnel including system administrators, security administrators, network administrators, etc. More access is needed than a general user, but not an assigned LASO. (i.e., CHRISS Administrator)

d. **Security Role:** This level is designed for personnel with the responsibility to ensure the confidentiality, integrity, and availability of CJI and the implementation of technology in a manner compliant with the CJISSECPOL. (i.e., LASO)

The training shall, to the extent possible, be received through a program approved by the Michigan State Police. A template of the training is provided on the Michigan State Police's website. At a minimum, the training shall comply with the standards established by the U.S. Department of Justice and Federal Bureau of Investigation for

Criminal Justice Information Services. (See AG 8321.) A record shall be kept current of all individuals who have completed the security awareness training.

9. **Secondary Dissemination of Information**

If criminal history background information received from the Michigan State Police is released to another authorized agency under the sharing provision designated by the revised school code, a log of such releases shall be maintained and kept current for all dissemination outside of the CHRISS system indicating:

a. the date of release;

b. record disseminated;

c. method of sharing;

d. agency personnel that shared the CHRI;

e. the agency to which the information was released;

f. the name of the individual recipient at the agency; and

g. whether authorization was obtained.

A log entry need not be kept if the receiving agency/entity is part of the primary information exchange agreements between the District and the Michigan State Police. A release form consenting to the sharing of CHRI shall be maintained at all relevant times.

If CHRI is received from another District or outside agency, an Internet Criminal History Access Tool (ICHAT) background check shall be performed

to ensure the CHRI is based on personal identifying information, including the individual's name, sex, and date of birth, at a minimum.

Incident Handling and Responses

The District shall establish operational incident handling procedures for instances of an information security breach. Information security incidents are major incidents that significantly endanger the security or integrity of CHRI. The District will identify responsibilities for information security incidents and include how and who to report such incidents to. The District will ensure appropriate security incident capabilities exist and should incorporate the lessons learned from ongoing incident handling activities. The District will ensure procedures exist and are implemented for a follow-up action of a security breach and for the collection of evidence in cases of legal action. All individuals with direct or indirect access to CHRI shall be trained on how to handle an information security incident, and such training will be included within the provided awareness and training. Information system security incidents shall be tracked using Form CJIS-016 and documented on an ongoing basis. Incident-related information may be obtained from audit monitoring, network monitoring, physical access monitoring, and user/administrator reports. The LASO shall maintain completed security incident reporting forms for three (3) years or until legal action (if warranted) is complete, whichever timeframe is greater. The District shall implement steps for incident handling capabilities, for both digital and physical CHRI media. Incident response testing will be conducted annually using the following tests: tabletop or walk-through exercises, simulations, or other agency appropriate tests. At a minimum, the following will be implemented:

	Physical - Hard Copy CHRI	**Digital - Digitally Saved CHRI**
1. Preparation	The CHRI container will be locked at all times in the business office where it is stored. The office must be	Firewalls, virus protection, and/or malware/spyware protection shall be implemented and maintained to prevent unauthorized access or

	locked when the office staff is not present	intrusion of the information systems.
2. Detection	Unauthorized activities or physical intrusions to the building shall be monitored by building alarm or video surveillance. Doors must be locked and checked at night.	Electronic intrusions shall be monitored and detected by the firewalls, virus protection, and/or malware/spyware protection software.
3. Analysis	The LASO will work with police authorities to determine how the incident occurred and what data was affected.	The LASO shall work with the IT department to determine what systems or data were compromised and affected.
4. Containment	The LASO shall lock uncompromised CHRI information in a secure container, or transport CHRI to a secure area.	The IT department shall stop the spread of any intrusion of the information systems and prevent further damage.
5. Eradication	The LASO shall work with law enforcement to remove any threats and compromised CHRI data.	The IT department shall remove the intrusion of the information systems before restoring the system. All steps necessary to prevent recurrence shall be taken before restoring the system.
6. Recovery	The Police shall handle and/or oversee the recovery of stolen CHRI media. The LASO may contact MSP for assistance in re-fingerprinting if necessary.	The IT department shall restore the agency information system and media to a safe environment.

When an incident involving the security of CHRI or systems with access to CHRI is discovered, the following procedures shall be followed:

A. All personnel are required to report suspected incidents to the LASO immediately, but not to exceed one (1) hour after discovery. Personnel who become aware of an incident or believe an incident has occurred should report to the following individuals, in order:

1. LASO

2. Superintendent

3. Director of Human Resources

4. Director of Finance and Business Services

B. The breach shall be assessed (including determination of whether notification to individuals is needed, assessment of the extent of the harm, and identification of applicable privacy requirements) and steps taken to correct the situation:

1. access shall be stopped for any unauthorized user;

2. media shall be secured;

3. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CHRI;

4. such other steps are deemed necessary by the LASO or authorized personnel involved in assessing the incident.

C. All necessary information regarding the security breach and District responses shall be recorded, analyzed, and preserved, including who was involved in

taking incident response measures.

D. The LASO shall be responsible for filing the incident report with the MSP using the CJIS-016. Completed CJIS-016 forms shall be retained on an ongoing basis to meet policy requirements for tracking.

The LASO shall monitor MSP information/guidance on incident reports and train authorized users with access to CHRI on detection and response to security incidents.

E. Mobile Device - Incident Handling and Response

1. The LASO shall be notified immediately.

2. The breach shall be assessed and steps taken to correct the situations:

    a. access shall be stopped immediately, and remotely if necessary, for any authorized user;

    b. media shall be secured and steps taken to identify how the incident occurred and what systems or data were compromised or affected:

    c. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CJI;

    d. such other steps as are deemed necessary by the LASO or authorized personnel involved in assessing the incident.

3. All necessary information regarding the security breach and District responses shall be recorded, analyzed, and preserved, including who was involved in taking incident response measures.

4. Steps shall be taken to restore the device and media to a safe environment.

5. The LASO shall be responsible for filing the incident report with the MSP using form CJIS-016. A copy of the completed form shall be retained and produced to MSP upon request.

   When a device is lost the District shall document and indicate how long the device has been lost. Special reporting procedures for mobile devices shall apply in any of the following situations:

   a. for a lost device, report if the owner:

      1. believed the device was locked;

      2. believed the device was unlocked;

      3. could not validate the device's locked state;

   b. for a total loss of a device, report if:

      1. CHRI was stored on the device;

      2. the device was locked or unlocked;

      3. capable of remote tracking or wiping of device;

   c. report any compromise of a device when the intrusion occurs while still in the owner's possession;

   d. report any compromise outside of the United States.

F. **Collection of Evidence**

Where an information security incident involves legal action against the District or an individual (either civil or criminal), evidence shall be collected, retained, and presented in accordance with the rules of evidence of the relevant

jurisdiction(s). For criminal matters, Monroe County Sheriff's Department shall be contacted for evidence collection. For civil matters, District legal counsel will be contacted for evidence collection.

[1]Applicable to districts that maintain CHRI within a digital system of records, such as a digital database, filing system, record-keeping software, spreadsheets, etc. Not applicable if CHRI kept solely via e-mail and/or paper copies.

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RECEIPT OF LEGAL DOCUMENTS

8325 - **RECEIPT OF LEGAL DOCUMENTS**

Service of Process on the Board of Education

In suits against the Board, only the Board President or Superintendent accepts service on behalf of the Board.

Service of Legal Documents on Board Employees

Board employees may be served with legal documents (1) requesting not only public records (such as employees' personnel files), but also student education records and other documents and electronically stored information maintained by the District, or (2) directing them to testify at a deposition or hearing concerning issues that fall within the employees' employment responsibilities.

An employee served with legal documents in his/her official capacity as a Board employee shall immediately provide copies of those legal documents to his/her Principal or site administrator.

The Principal or site administrator shall immediately furnish copies to the Superintendent and shall follow his/her directives.

Generally, confidential personnel records, student records, or personal observations or opinions about student behavior/academic performance do not have to be disclosed. The law makes an exception for a subpoena or court order.

Board policy requires the Principal or a site administrator to release only the documents specifically identified in the subpoena or order. In circumstances where, in responding to a subpoena or order, information is developed or summarized from the student's education records, a copy of that information and a statement of the purpose for which it was prepared shall be filed in the student's cumulative folder.

If doing so is in the Board's best interest, the Principal or site administrator or Board attorney shall accompany the employee to the deposition or hearing.

Actions Against the Board

In actions against the Board, it is not unusual for Board employees to be served with subpoenas and/or called as witnesses. Board legal counsel and the Superintendent will assist Board employees in these matters.

Independent Legal Counsel

This policy does not prohibit Board employees from consulting with their own independent legal counsel, but they are prohibited from discussing or releasing student personally identifiable information to a third party except as expressly authorized by Board Policy 8330.

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STUDENT RECORDS

8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student privacy and restrict access to student personally identifiable information.

If the parent or legal guardian of a student provides the District with notice that s/he/they have received a participation card issued by the Attorney General under the Address Confidentiality Program Act, the District shall not disclose the confidential address of the student, regardless of any other provision of this policy. The Superintendent shall develop a process to ensure that a student's participation in the Address Confidentiality Program Act is appropriately noted to avoid disclosure of this information to any person or entity.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The Board of Education is responsible for maintaining records of all students attending schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically

permitted by this Board will be compiled by Board employees. The Board hereby authorizes collection of the following student records, in addition to the membership record required by law:

A. observations and ratings of individual students by professional staff members acting within their sphere of competency

B. samples of student work

C. information obtained from professionally acceptable standard instruments of measurement such as:

1. interest inventories and aptitude tests,

2. vocational preference inventories,

3. achievement tests,

4. standardized intelligence tests

D. verified reports of serious or recurrent behavior patterns

E. rank in class and academic honors earned

F. psychological tests

G. attendance records

H. health records

I. custodial arrangements

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, and designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student's educational records unless stipulated otherwise by court order. In the case of eligible students, parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);

B. contractors, consultants, volunteers, or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District" or if the record is necessary in order for the school official to perform an administrative, supervisory or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

A. forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this District seeks or intends to enroll upon condition that the student's parents be

notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school district in which a student in foster care is enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request;

C. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;

D. report a crime committed by a child with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and school officials for their consideration;

E. release de-identified records and information in accordance with Federal regulations;

F. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no

longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

This written agreement must include: 1) specification of the purpose, scope, duration of the study, and the information to be disclosed; 2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; 3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and 4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

G. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as State and local educational authorities;

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

The District will verify that the authorized representative complies with FERPA regulations.

H. request each person or party requesting access to a student's record to abide by the Federal regulations concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Upon written request by a student’s parent or legal guardian, the District shall disclose to the parent or legal guardian any personally identifiable information concerning the student that is collected or created by the District as part of the student’s education records.

If the District provides any personally identifiable information concerning the student that is collected or created by the District as part of the student’s education records to any person, agency, or organization, then the District shall disclose to the student’s parent or legal guardian upon his/her written request:

A. the specific information that was disclosed;

B. the name and contact information of each person, agency, or organization to which the information has been disclosed;

C. the legitimate reason that the person, agency, or organization had in obtaining the information.

This information shall be provided without charge within thirty (30) days after the District receives the written request and without charge to the parent or legal guardian.

The District is not required to disclose to the parent or legal guardian, even upon written request, any personally identifiable information concerning the student that is collected or created by the District as part of the student's education records and is provided to any person, agency, or organization in any of the following situations:

A. provision of such information to the Michigan Department of Education or CEPI

B. provision of such information to the student's parent or legal guardian

C. provision of such information to its authorizing body or to an educational management organization with which it has a management agreement

D. provision of such information to or from its intermediate school district or to another intermediate school district providing services to the District or its students pursuant to a written agreement

E. provision of such information to a person, agency, or organization with written consent from the student's parent or legal guardian or, if the student is at least age eighteen (18), the student

F. provision of such information to a person, agency, or organization seeking or receiving records in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction

G. provision of such information as necessary for standardized testing that measures the student's academic progress and achievement

H. provision of such information that is covered by the opt-out form described above, unless the student's parent or legal guardian or, if the student is at least age eighteen (18) or is an emancipated minor, the student has signed and submitted the opt-out form referenced below

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Board policy and administrative guidelines and/or those specified in the law.

The Board shall exempt from disclosure directory information, as requested for the purpose of surveys, marketing, or solicitation unless the Board determines that the use is consistent with the educational mission of the Board and beneficial to the affected students. The Board may take steps to ensure that directory information disclosed shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitations. Before disclosing the directory information, the Board may require the requester to execute an affidavit stating that directory information provided shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

DIRECTORY INFORMATION

Each year the Superintendent shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information":

A. a student's name;

B. participation in officially recognized activities and sports;

C. height if member of an athletic team;

D. weight, if member of an athletic team which requires disclosure to participate;

E. date of graduation;

F. awards received;

G. honor rolls;

H. scholarships;

I. school photographs or videos of students participating in school activities, events, or programs.

The Board designates school-assigned e-mail accounts as "directory information" for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes and for inclusion in internal e-mail address books. School-assigned e-mail accounts shall not be released as directory information beyond this/these limited purpose(s) and to any person or entity but the specific online educational service provider and internal users of the District's Education Technology.

The Superintendent will also develop a list of uses for which the District commonly would disclose a student's directory information and develop an opt-out form that lists all of the uses or instances and allows a parent or legal guardian to elect not to have his/her child's directory information disclosed for one (1) or more of these uses.

Each student's parent or legal guardian will be provided with the opt-out form within the first thirty (30) days of the school year. The form shall also be provided to a parent or legal guardian at other times upon request.

If an opt-out form is signed and submitted to the District by a student's parent or legal guardian, the District shall not include the student's directory information in any of the uses that have been opted out of in the opt-out form. A student who is at least age eighteen (18) or is an emancipated minor may act on his/her own behalf with respect to the opt-out form.

Parents and eligible students may also refuse to allow the District to disclose any or all of such "directory information" upon written notification to the District within ten (10) days after receipt of the District's public notice.

Armed Forces Recruiting

The Board shall provide United States Armed Forces recruiters with at least the same access to the high school campus and to student directory information (names, addresses, District-assigned email addresses (if available) (except for students participating in the Address Confidentiality Program Act), and telephone listings of secondary students) as is provided to other entities offering educational or employment opportunities to those students. "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States Coast Guard.

If a student or the parent or legal guardian of a student submits a signed, written request to the Board that indicates that the student or the parent or legal guardian does not want the student's directory information to be accessible to official recruiting representatives, then the officials of the school shall not allow that access to the student's directory information. The Board shall ensure that students and parents and guardians are notified of the provisions of the opportunity to deny release of directory information.

Public notice shall be given regarding the right to refuse disclosure of any or all "directory information" including to the armed forces of the United States and the service academies of the armed forces of the United States.

A fee, not to exceed the actual costs incurred by the high school, for copying and mailing student directory information under this section, may be charged an official recruiting representative.

Directory information received under armed services authorization request shall be used only to provide information to students concerning educational and career opportunities available in the armed forces of the United States or the service academies of the armed forces of the United States. An official recruiting representative who receives student directory information under this section shall not release that information to a person who is not involved in recruiting students for the armed forces of the United States or the service academies of the armed forces of the United States.

Annually, the Board will notify male students age eighteen (18) or older that they are required to register for the selective service.

Requests to the District records officer shall be presented on a standardized form developed by the armed forces of the United States requesting access to a high school

campus and a time for the access. Requests should bear the signature of the ranking recruiting officer of the armed service making the request.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's education records or for the release of "directory information", either parent may provide such consent unless stipulated otherwise by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information" on former students without student or parental consent unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not sell or otherwise provide to a for-profit business entity any personally identifiable information that is part of a student’s education records. This does not apply to any of the following situations:

A. providing the information as necessary for standardized testing that measures the student’s academic progress and achievement

B. providing the information as necessary to a person that is providing educational or educational support services to the student under a contract with the District

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent’s first and last name, a home or other physical address (including street name and the name of the city or town, unless a parent is prohibited from doing so due to a student's participation in the Address Confidentiality Program Act), a telephone number, or a

Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal before the scheduled date of the activity. The instrument will be provided to the parent.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

A. college or other postsecondary education recruitment, or military recruitment;

B. book clubs, magazines, and programs providing access to low-cost literary products;

C. curriculum and instructional materials used by elementary and secondary schools;

D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

E. the sale by students of products or services to raise funds for school-related or education-related activities; and

F. student recognition programs.

The Board may establish online access for the parents or the eligible student to the student's confidential academic and attendance records. To authorize such access, the parents or the eligible student must sign a release (see Form 8330 F10). This release shall remind the parents or eligible student that the account and confidential information about the student is only as secure as they keep their account information. Neither the District nor its employees will be held responsible for any breach of this policy by the parent/eligible student or any unauthorized party.

The Superintendent shall prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their rights to:

A. inspect and review the student's education records;

B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's rights;

C. consent to disclosures of personally-identifiable information contained in the student's education records, except to unauthorized disclosures allowed by the law;

D. challenge the Board's noncompliance with a parent's request to amend the records through a hearing;

E. file a complaint with the United States Department of Education;

F. obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent shall also develop procedural guidelines for:

A. the proper storage and retention of records including a list of the type and location of records;

B. informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this District specifically as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board of Education delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or

enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board of Education. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

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po8340

LETTERS OF REFERENCE

8340 - **LETTERS OF REFERENCE**

The Board of Education recognizes that any current or former employee's request to an administrator for a letter of reference is an opportunity to share information about the staff member's performance with a prospective employer. The Board, however, does not require that such references be provided and a current or former employee should have no expectation that a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the administrator and the Superintendent.

If an administrator opts, however, to prepare such a letter, the Board expects that administrator to provide specific and truthful comments concerning the employee's actual performance that can be substantiated by the individual's personnel file. The letter must be reviewed by the Superintendent before it may be released.

In accordance with State law, an administrator who, in the scope of his/her employment, provides a letter of reference is entitled to at least a qualified privilege for his/her statements provided such statements were made in good faith without malice.

All District employees, including but not limited to an administrator who prepares a letter of reference or provides an employment reference pursuant to this policy, are prohibited from assisting a District employee, contractor or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such District employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files. The only exceptions permitted are those authorized by the Every Student Succeeds Act, such as where the matter has been investigated by law enforcement and the matter was officially closed due to lack of

probable cause or where the individual was acquitted or otherwise exonerated of the alleged misconduct.

This policy does not excuse the District from providing responses to request for information as to Unprofessional Conduct, as required by State law.

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po8350

CONFIDENTIALITY

8350 - **CONFIDENTIALITY**

It is the policy of the Board of Education that when the District receives in trust from a public agency information identified to be confidential or exempt from disclosure under the Freedom of Information Act, Common Law, Privilege Case Law, or Federal Law, the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

Further, employees must not divulge confidential information contained in any records and files of this Board.

Employees must not divulge confidential information contained in the records and files of this Board, except to other employees who may need such information in connection with their duties and to authorize parties in accordance with proper departmental procedures.

Neither the Board nor its employee's shall permit the release of the social security number of an employee, student, or other individual except as authorized by law (see AG 8350). Documents containing social security numbers shall be restricted to those employees who have a need to know that information or a need to access those documents. When documents containing social security numbers are no longer needed, they shall be shredded by an employee who has authorized access to such records.

Freedom of Information Act requests shall only be responded to in accordance with the District's Policy.

If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information in accordance with applicable procedures, and should refer the requestor to the employee's immediate supervisor.

Any employee who inappropriately releases information, or uses confidential information for personal reasons, will be disciplined in accordance with established policies and procedures.

In order to prohibit the unauthorized disclosure of information identified as confidential by a sending public agency, the Board may seek to obtain court protection by:

A. denying requests for release of such information absent subpoena or court order;

B. pursuing motions to quash or protective orders to prohibit unauthorized disclosure.

When possible, the Board will attempt to notify the sending public agency of the request for release of such information prior to complying with the request.

Employees who intentionally violate this policy are subject to discipline, up to and including discharge.

The Superintendent shall assure that employees receive a copy of and have readily available access to this policy.

po8351

SECURITY BREACH OF CONFIDENTIAL DATABASES

8351 - **SECURITY BREACH OF CONFIDENTIAL DATABASES**

It is the policy of the Board of Education that when unauthorized access or acquisition of data occurs, which would compromise the confidentiality or security of personal information maintained by the District on a database, the District will take appropriate action to assess the risk, and notify the affected individuals in accordance with its legal obligations.

A "security breach" means the unauthorized access and acquisition of data that compromises the security or confidentiality of personal information maintained by the District as part of a database of personal information covering multiple individuals. Unauthorized access may be considered incidental access by an employee or other individual if the access meets all of the following:

A. the individual acted in good faith in accessing the date

B. the access was related to the activities of the agency or person

C. the individual did not misuse any personal information or disclose any personal information to an unauthorized person

Personal information for purposes of this policy means the persons last name, with either the first name or initial when linked to one or more of the following:

A. social security number

B. driver's license or State Personal Identification

C. demand deposit or other financial account numbers, credit or debit card numbers, when combined with access code, security code or password which would allow access to the financial accounts

Promptly upon determining that a security breach has occurred, the employee shall notify the chief business officer and the Superintendent, in writing.

The Superintendent and the chief business officer shall promptly determine and implement the steps necessary to correct the unauthorized access and any legal requirements for notifying those individuals whose personal information may have been compromised.

Employees who intentionally violate this policy are subject to discipline, up to and including discharge and may be subject to criminal penalties.

The Superintendent shall assure that employees receive a copy of and have readily available access to this policy.

po8390

ANIMALS ON DISTRICT PROPERTY

8390 - **ANIMALS ON DISTRICT PROPERTY**

Introduction

The Board of Education recognizes that there are many occasions when animals are present on District property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at school by a service or therapy animal in accordance with Federal and State law and this policy.

This policy applies to all animals on District property, including service animals.

Definitions

A. **"Animal"**: Includes any living creature that is not a human being.

B. **"Service animal"**: Pursuant to 28 C.F.R. Section 36.104, "means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other

tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition."

The Americans with Disabilities Act (ADA) also defines a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (i) of the ADA.

C. **"Therapy Dog"**: Therapy dogs are dogs who go with their owners to volunteer in settings such as schools, hospitals, and nursing homes for the purpose of providing affection and comfort to aid in a particular purpose, such as healing or learning. A therapy dog in a school setting serves the function of assisting students in the learning process while providing comfort and affection to specific students or to a group of students. Therapy dogs are not service dogs and do not have the same special access as service dogs (source: American Kennel Club/AKC).

Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be.

A service animal is the personal property of the student and/or parents. The Board does not assume responsibility for training, daily care, or healthcare. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on District property or at District-sponsored events.

A service animal that meets the definitions set forth in the ADA and this policy shall be under the control of the student with a disability, or a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Policy 4120.09.

Removing and/or Excluding a Student's Service Animal

If a service animal demonstrates that it is not under the control of the student or its handler, the Principal is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.

Similarly, in instances when the service animal demonstrates that it is not housebroken, the Principal shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.

The Principal shall notify the Superintendent when a service animal is removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The Principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

The procedures set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity do not interfere with the rights of a student and their parents or an eligible student to pursue a complaint with the United States Department of Education's Office for Civil Rights or the Department of Justice.

Eligibility of a Student's Service Animal for Transportation

A student with a disability shall be permitted to access School District transportation with their service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access School District transportation.

When a service animal is going to ride on a school bus or other Board-owned or leased vehicle, the student and their parents, or eligible student, and the handler, if the handler is someone other than the student, shall meet with the Transportation Supervisor to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on bus/vehicle with a tether or harness.

At the discretion of the Transportation Supervisor, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

While the bus/vehicle is in motion, the service animal shall remain positioned on the floor, at the student's feet.

Situations that would cause cessation of transportation privileges for the service animal include:

A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others; or

B. the service animal urinates or defecates on the bus.

The student and their parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the Principal.

Although transportation may be suspended for the service animal, it remains the District's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

Service Animals for Employees

In accordance with Policy 1623, Policy 3123, and Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Board provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA-mandated interactive process.

Service Animals for Parents, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the District's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District’s facilities with their service animals should notify the Principal that their service animal will accompany them during their visit.

An individual with a disability who attends a school event will be permitted to be accompanied by their service animal in accordance with Policy 9160 - Public Attendance at School Events.

Non-Service Animals in Schools and Elsewhere on District Property

Animals permitted in schools and elsewhere on District property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Principal may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

A. the staff member seeking approval to have a non-service animal in their classroom shall:

    1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;

    2. take precautions deemed necessary to protect the health and safety of students and other staff;

    3. provide that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and

    4. keep the surrounding areas in a clean and sanitary condition at all times;

B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

Therapy Dogs

Therapy dogs are the personal property of the handler and are specially trained to help students in the assigned classroom, program, or school. Authorization for a therapy dog to be on District grounds may be granted by the Superintendent or designee, provided the following conditions are met each year:

A. Documentation of certification as a therapy dog from the AKC, Intermountain Therapy Animals (R.E.A.D.), Alliance of Therapy Dogs, Bright and Beautiful Therapy Dogs, Love on a Leash, Pet Partners, Therapy Dogs International, or another certification program recognized by the AKC.

B. Documentation of an educational purpose for the therapy dog and a regular appraisal period for continuation.

C. Documentation that the therapy dog is not younger than one (1) year old and is properly licensed according to local requirements.

D. Documentation from a licensed veterinarian that the therapy dog is current on its vaccinations and immunizations, is free of fleas and ticks, is in good health, is housebroken, and does not pose a danger to the well-being of students or staff.

E. Documentation of an insurance policy that provides liability insurance for the therapy dog while on District grounds.

F. Documentation that the handler has completed a background check consistent with Board policy and is prepared to be solely responsible for the therapy dog and the therapy dog's care, cleaning, feeding, and cleanup while on District grounds.

G. Agreement that the therapy dog and handler will abide by school rules and any specific rules for the therapy dog's presence on District grounds.

Authorization for a therapy dog to be on District grounds will be suspended if the therapy dog is the source of an allergic reaction, causes discomfort or distress to a student or staff member, shows aggression or disruptive behavior, relieves itself inappropriately, or otherwise interferes with the learning environment. Reinstatement of authorization for the therapy dog to be on District grounds requires approval by the (x) Superintendent. Authorization for a therapy dog to be on District grounds may be withdrawn at any time by the Superintendent.

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po8400

SCHOOL SAFETY INFORMATION

8400 - **SCHOOL SAFETY INFORMATION**

The Board of Education is committed to maintaining a safe school environment. The Board believes that school crime and violence are multifaceted problems which need to be addressed in a manner that utilizes the best resources and coordinated efforts of School District personnel, law enforcement agencies, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-sponsored activity or while enroute to or from school, or a school-sponsored activity. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

In furtherance of its commitment to a safe school environment, the Board has prohibited weapons on school property and at school-sponsored events, except in very limited circumstances. See Board Policy 3217, Policy 4217, and Policy 5772. This prohibition is reasonably related to legitimate educational concerns, including the ability to provide a safe and secure learning and social environment for its students and controlling and minimizing disruptions to the educational process. The presence of dangerous weapons on school property or at school-sponsored events, except under very controlled circumstances, creates a potentially dangerous situation for students, staff and visitors, and may trigger precautionary safety responses which disrupt the educational process and learning environment for students.

Federal law establishes a "Student Safety Zone" that extends 1,000 feet from the boundary of any school property in relation to weapons and drugs. Individuals are prohibited from possessing or using weapons or drugs at any time on District property, within the Student Safety Zone, or at any District-related event.

The District will work with local officials in arranging signage defining the 1,000 foot boundary.

The Superintendent shall ensure continued implementation and compliance with the District's obligations under the Statewide School Safety Information Policy and related law. The Superintendent may convene meetings to make modifications as deemed necessary and proper to address issues that are unique to the District; discuss additional training that might be needed; and discuss any other such related matters as may be deemed to be necessary by the participants. Participants in this meeting may include the Superintendent, members of the Board, the County Prosecutor or their designee, and representatives from the local law enforcement agencies. The following may also be invited to participate in the meeting:

A. Chief Judge of Circuit and/or District Courts or their designee, including a representative of the family division;

B. representative from the Intermediate School District (ISD);

C. representative(s) from the local child protection agency;

D. building administrators;

E. teachers;

F. parents;

G. students in grades 9 through 12;

H. Fire Marshal or designee;

I. representative(s) from emergency medical services;

J. representative(s) from county emergency management service agency;

K. School Resource Officer;

L. representatives from other school districts within Monroe County.

The Superintendent shall make a report to the Board about all such reviews and recommend the approval and adoption of any proposed revisions or additions to local policy. The Board encourages regular meetings, preferably annually, among the above-listed constituents to review the effectiveness and to review the procedures developed within local policy.

District Contact Person/Liaison

Furthermore, in accordance with State law, the Board hereby designates the Superintendent as the District contact person who shall receive information from law enforcement officials, prosecutors and the court officials, including receipt of information provided from the Michigan State Police relating to the student safety act hotline ("OK2Say"). The current contact information for the building principals shall be provided to the Michigan State Police in the manner and frequency required by law.

The District contact person shall notify the principal of the school of attendance of a student about whom information is received from law enforcement officials, prosecutors, or court officials within twenty-four (24) hours of the receipt of that information. The principal shall, in turn, notify the building staff members, who the principal determines have a need to know the information that has been received, within twenty-four (24) hours of receipt of that information.

The District contact person shall notify the appropriate law enforcement officials when an adult or a student commits any offense listed as a reportable incident in the School Safety Information Policy and related law and shall report all information that is required to be reported to State or local law enforcement agencies and prosecutors. Reporting such information is subject to 20 U.S.C. 1232g, commonly referred to as the Family Educational Rights and Privacy Act of 1974.

If a student is involved in an incident that is reported to law enforcement officials pursuant to the District's local school safety information policy, then, upon request by school officials, the student's parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the student concerning the incident and action taken as a result of the incident.

The District designates the School Resource Officer as a liaison to work with the school safety commission created under the comprehensive school safety and the office of school safety, including work on identifying model practices for determining school safety issues.

Required Reporting

The Superintendent shall submit a report at least annually to the Superintendent of Public Instruction, in the form prescribed by the Superintendent of Public Instruction, stating the number of students expelled from the District during the preceding school year and the reason for the expulsion.

The Superintendent shall post a report on the District website at least annually, in the form prescribed by the Superintendent of Public Instruction, stating the incidents of crime occurring at school. At least annually, a copy of the most recent report of incidents of crime, disaggregated by school building, shall be made available to the parent or legal guardian of each student enrolled in the District. This report will include at least crimes involving:

A. physical violence;

B. gang-related acts;

C. illegal possession of a controlled substance, controlled substance analogue or other intoxicant;

D. trespassing;

E. property crimes, including but not limited to theft and vandalism, including an estimate of the cost to the District resulting from the property crime.

Each school building shall collect and keep current on a weekly basis the information required from the report of incidents of crime, and must provide that information, within seven (7) days, upon request.

Additionally, the District shall report all incidents of and attempted commissions of the crimes listed above to the Michigan State Police, in the form and manner prescribed by the Michigan State Police, within twenty four (24) hours after the incident occurs.

Law Enforcement Information Network (LEIN)

The Board authorizes the Superintendent and/or principal to request vehicle registration information for suspicious vehicles within 1,000 feet of school property

through the Law Enforcement Information Network (LEIN).

Threat Assessment

The primary purpose of a threat assessment is to minimize the risk of targeted violence at school. This policy is designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in the joint U.S. Secret Service and Department of Homeland Security publication, Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence. The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe school environment, protect and support potential victims, and provide assistance, as appropriate, to the student being assessed.

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Board authorizes the Superintendent to create building-level, trained threat assessment teams. Each Team shall be headed by the Principal and include a school counselor, school psychologist, instructional personnel, and, where appropriate, the School Resource Officer. At the discretion of the Superintendent, a threat assessment team may serve more than one (1) school when logistics and staff assignments make it feasible.

The Team will meet as needed and when the Principal learns a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.

The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of violence to a target. If an inquiry indicates that there is a risk of violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat posed by the student in that situation.

The Board authorizes the Superintendent to create guidelines for the purpose of:

A. identifying team participants by position and role;

B. requiring team participants to undergo appropriate training;

C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment;

D. defining what types of information that may be gathered during the assessment;

E. stating when and how parents/guardians of the student making the threat shall be notified and involved;

F. designating the individuals (by position) who would be responsible for gathering and investigating information;

G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation.

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent or Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency.

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 – Student Records, and State and Federal law.

Persistently Dangerous Schools

The Board recognizes that State and Federal law requires that the District report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered "persistently dangerous" as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in State policy, the Superintendent

shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 and AG 5113.02.

In addition, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by Policy 5113.02 and AG 5113.02.

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Revised 12/6/19
Revised 8/26/20
Revised 4/12/21

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po8402

EMERGENCY OPERATIONS PLAN

8402 - **EMERGENCY OPERATIONS PLAN**

By no later than January 1, 2020, for each school building the District shall 1) develop an emergency operations plan or 2) adapt its statewide school information policy (referred to as the "Plan" throughout the remainder of this Policy) to comply with the requirements of this Policy. This action shall be taken with input from the public. School building means any building intended to be used to provide instruction to students and any recreational or athletic structure or field intended to be used by students.

Beginning in the 2019-2020 school year, and at least biennially thereafter, the District shall conduct a review of its Plan, including a review of the vulnerability assessment, with at least one law enforcement agency that has jurisdiction over the District.

The Plan must include guidelines and procedures that address all of the following:

A. school violence and attacks

B. threats of school violence and attacks

C. bomb threats

D. fire

E. weather-related emergencies

F. intruders

G. parent and pupil reunification

H. threats to a school-sponsored activity or event whether or not it is held on school premises

I. a plan to train teachers on mental health and pupil and teacher safety

J. a plan to improve school building security

K. an active violence protocol

L. continuity of operations after an incident

M. a vulnerability assessment

The District shall notify the Michigan Department of Education not later than thirty (30) days after it adopts its Plan and after each biennial review in the form and manner prescribed by the Department.

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po8405

ENVIRONMENTAL HEALTH AND SAFETY ISSUES

8405 - **ENVIRONMENTAL HEALTH AND SAFETY ISSUES**

The Board of Education recognizes its responsibility relative to student, employee, and visitor health and safety, and the need for development of a comprehensive program designed to provide a healthy, safe, and secure environment on District property and at District-sponsored activities. To achieve this, it is the intent of the Board that the District will avail itself of the most current, proven technologies in the fields of health, safety, and environmental sciences.

STUDENT, EMPLOYEE, AND VISITOR HEALTH AND SAFETY

The District shall develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities within the District, and promotes and incorporates the following:

A. Procedures describing a hazard identification and abatement program that requires the periodic inspection of District facilities, the implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and the development of a District-wide hazard reporting procedure that enables employee/stakeholder participation. This program should also provide procedures for identifying and responding to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether or not appropriate requirements for environmental health and safety have been met.

B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not

be limited to, the establishment of school and District safety committees, and the establishment of a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through available mediums in the District.

C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students, assessing the safety of school traffic patterns, operating school clinics, administering medication and medical treatment, promoting laboratory and shop safety, promoting safety in sports and other outdoor activities, inspecting playground equipment and promoting safety on playgrounds, and assessing environmental exposure.

D. Procedures related to District employee health and safety issues that include, but are not limited to, provision of work areas free from recognized hazards and OSHA-related programs that are required by Federal and State law, such as, employee safety and health training and training in hazard recognition, and defining employer and employee responsibilities and expectations related to health and safety.

E. Procedures describing an accident reporting and investigation system that provides for identification of root causes, determination of remedial and programmed corrective actions, and provides communication about accidents to employees and stakeholders.

F. Procedures that detail plans for foreseeable emergencies and fire prevention.

PHASE-OUT/BANNED PRODUCTS

The Superintendent shall require that any chemicals, insecticides, or other materials that the Federal government is phasing out and/or banning by a certain date be immediately banned from use on Board property.

INDOOR ENVIRONMENTAL QUALITY (IEQ)

The Board recognizes that excessive moisture levels within the schools can lead to conditions that are optimum for the development of biological contaminants, such as mold and fungi on building surfaces. The Board further recognizes that the presence of these contaminants can be harmful on contact with respiratory tissue.

Contributing factors to excessive moisture levels include the following:

A. roof leaks;

B. structural defects in the building;

C. improperly controlled humidity levels;

D. faulty HVAC systems.

As preventative measures, the District shall do the following:

A. address prevention of water intrusion as a priority IEQ issue and implement strategies toward its elimination;

B. maintain environmental conditions in occupied areas that are in compliance with applicable regulations and strive to conform to consensus industry standards;

C. implement a preventative maintenance program for HVAC systems which shall include, but not be limited to, periodic filter replacement, inspection, cleaning and disinfecting processes, and procedures to eliminate the contribution to indoor air quality problems caused by this equipment;

D. implement a system for insuring materials used and purchased for use in the construction, furnishing and maintenance, including cleaning of facilities, do not contribute to the health hazards to employees and students by degrading the quality of indoor air. In addition, activities that create indoor air quality health hazards shall not be permitted.

In addition, the Superintendent shall develop administrative guidelines for the proper monitoring of the factors that contribute to excessive moisture and for the development of mitigation plans when, and if, problems with IAQ are identified.

DIESEL EXHAUST AND SCHOOL BUS IDLING

In accordance with the Environmental Protection Agency's initiative to reduce pollution that is caused by school buses on school property, the Board will take the recommended steps to reduce the negative effect of diesel exhaust on indoor and outdoor air quality on school campuses. This effort shall include, but not be limited to, reducing bus idling time and reinforcing smart driving practices.

The Superintendent shall develop the administrative guidelines necessary to establish these practices in the District (see AG 8615).

POLLUTION CONTROL AND PREVENTION

In an effort to comply with environmental policy and applicable regulations, the District shall develop and implement procedures designed to prevent air and water pollution, minimize or eliminate waste streams where possible, and identify possible sources of air and water pollution.

INTEGRATED PEST MANAGEMENT

The District shall implement a pest management program in accordance with the U.S. Environmental Protection Agency's Integrated Pest Management (IPM) in the school's guidelines. This program will include appointment of a District IPM Coordinator and advisory committee, implementation of training for custodians, and provide for notification to all affected persons when chemical use becomes necessary. The advisory committee shall semiannually review and evaluate the District's progress toward its pesticide use, reduction, and minimization goals. This program shall also include implementation of an IPM awareness program. All persons applying pesticides on District property shall hold appropriate State certification and be approved by the District IPM Coordinator (see AG 8431A).

SEE ALSO THE FOLLOWING RELATED POLICIES:

Policy 7430 - Safety Standards

Policy 8410 - Crisis Intervention

Policy 8420 - Emergency Evacuation of Facilities

Policy 8431 - Preparedness for Toxic Hazard and Asbestos Hazard

Policy 8442 - Reporting Accidents

Policy 8450 - Control of Casual-Contact Communicable Diseases

Policy 8453 - Direct Contact Communicable Diseases

Policy 8453.01 - Control of Blood-Borne Pathogens

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po8410

CRISIS INTERVENTION

8410 - **CRISIS INTERVENTION**

The Board of Education believes that the employees, and students of the District, as well as visitors, are entitled to function in a safe school environment. In this regard, the Board has adopted policies related to conduct in the school setting as well as those that address various crisis situations.

The Superintendent shall promulgate administrative guidelines for responding to a crisis situation, developing a prevention plan, and providing effective intervention for students who may show warning signs that relate to violence or other troubling behaviors.

po8420

EMERGENCY SITUATIONS AT SCHOOLS

8420 - **EMERGENCY SITUATIONS AT SCHOOLS**

The Board of Education is committed to providing a safe learning and work environment. Unfortunately, natural and man-made disasters do occur. Such emergencies are best met by preparedness and planning.

A. **Emergency Preparedness**

The District shall develop emergency preparedness procedures that address the following goals and/or objectives:

1. the health and safety of students and staff are safeguarded

2. the time necessary for instructional purposes is not unduly diverted

3. minimum disruption to the educational program occurs

4. students are helped to learn self-reliance and trained to respond sensibly to emergency situations

All threats to the safety of District facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

School personnel, including teachers, shall provide for unrestricted emergency egress during school hours and when the school is open to the public.

B. **Drills**

1. Each school shall conduct a minimum of five (5) fire drills each school year. Three (3) of the fire drills shall be held by December 1st of the school year, and two (2) shall be held during the remaining part of the school year, with a reasonable spacing interval between each drill.

2. Each school shall conduct a minimum of two (2) tornado safety drills each school year. At least one (1) of the tornado safety drills shall be conducted during March of the school year. These drills shall be conducted for the purpose of preventing injuries caused by severe weather.

3. Each school shall conduct a minimum of three (3) drills in which the occupants are restricted to the interior of the building and the building secured each school year. At least one (1) of these drills shall be conducted by December 1st of the school year, and at least one (1) shall be conducted after January 1st of the school year, with a reasonable spacing interval between each drill. Such drills shall include security measures that are appropriate to an emergency such as the release of a hazardous material or the presence of a potentially dangerous individual on or near the premises. The Superintendent shall seek input from local public safety officials on the nature of the drills to be conducted under this subsection.

4. Each school shall conduct at least one (1) of the drills required under Sections 2(A)-(C) during a lunch or recess period, or at another time when a significant number of the students are gathered but not in the classroom.

5. Schools shall not conduct a drill required under Sections 2(A)-(C) at a time that would interfere with the conduct of a state-mandated assessment.

6. Not later than September 15th of each school year, the Principal shall provide a list of the scheduled drill days to the county emergency management coordinator.

7. If a drill is not conducted on a scheduled drill day due to conditions not within the control of school authorities, such as severe storms, fires, epidemics, utility power unavailability, water or sewer failure, or health conditions as defined by the city, county, or state health authorities, the school shall reschedule the drill to occur within ten (10) school days after the scheduled date of the cancelled drill. The school's Principal shall notify the county emergency management coordinator of the rescheduled date for the drill.

C. **Drill Result Publication**

1. The Principal shall provide that documentation of a completed school safety drill is posted on the school's [or the District's] website within thirty (30) school days after the drill is completed and is maintained on the website for at least three (3) years.

2. The documentation posted on the website shall include at least all of the following:

a. name of the school

b. school year of the drill

c. date and time of the drill

d. type of drill completed

e. number of completed drills for that school year for each type of drill required under Sections 2(A)-(C)

f. signature of the school principal or his/her designee acknowledging the completion of the drill

g. name of the individual in charge of conducting the drill, if other than the school Principal

D. **Cardiac Emergency Response Plan**

1. Use and regular maintenance of automated external defibrillators, if available.

2. Activation of a cardiac emergency response team during an identified cardiac emergency.

3. A plan for effective and efficient communication throughout the school campus.

4. If the school includes grades 9 to 12, a training plan for the use of an automated external defibrillator and in cardiopulmonary resuscitation techniques.

5. Incorporation and integration of the local emergency response system and emergency response agencies with the school's plan.

6. An annual review and evaluation of the cardiac emergency response plan.

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po8431

PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD

8431 - **PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD**

The Board of Education is concerned for the safety of the students and staff members and will attempt to comply with all Federal and State statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of school officials or from the presence of asbestos material used in previous construction.

TOXIC HAZARDS

These hazards exist in chemicals, pesticides, and other substances used in the school setting such as in laboratories, science classrooms, kitchens, and in the cleaning of rooms and equipment.

The Board will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The Toxic Hazard Preparedness Officer will be responsible for the following:

A. **Hazard Determination**

Identification of potential sources of toxic hazards in cooperation with material suppliers, who shall supply the Toxic Hazard Preparedness Officer with Material Safety Data Sheets (MSDSs). The Board will rely on MSDSs from material suppliers to meet hazard determination requirements.

B. **Labeling**

Ensuring that all incoming materials are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party, and that any containers to which the materials are transferred are also properly labeled.

C. **Material Safety Data Sheets**

Maintaining a current file of MSDSs for all hazardous materials present on District property. The MSDS files will be kept at the Superintendent’s office, additional copies for employees' use will be located at the Supervisor of Buildings and Grounds office.

MSDSs will be available for review to all employees. Copies will be available upon request to the Toxic Hazard Preparedness Officer. Posters identifying the person responsible for monitoring MSDSs and where MSDSs are located at building lounges. Posters notifying employees when new MSDSs are received will be located in the same location. The Toxic Hazard Preparedness Officer shall contact the supplier, in writing, if a required MSDS is not received, and promptly procure the MSDS before releasing the material for use.

If s/he is unable to obtain an MSDS from a supplier, s/he should contact MIOSHA's Occupational Health Division (OHD) or General Industry Safety Division (GISD) for assistance in obtaining the MSDS.

D. **Multi-Employer Work Sites - Informing Contractors**

Informing contractors and their employees of any hazardous substances to which they may be exposed; measures to be employed to control or eliminate exposure; container and pipe labeling system used on-site; and where applicable MSDSs can be reviewed or obtained. Whenever District employees may potentially be exposed to hazards brought on site by contractors, the THP Officer will obtain information from the contractor pertaining to chemicals brought on-site, and measures that should be taken to control or eliminate exposure to chemicals.

E. **Employee Information and Training**

Providing information to and conducting a training program for all District employees on such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the District's plan for communication, labeling. Records of each employee's hazardous communication training should be maintained and all new employees should receive training regarding any hazardous chemicals they may potentially come in contact with as part of their job.

The information should include:

1. regulations of MIOSHA's hazardous communication standard;

2. all operations in employee's work area where hazardous chemicals are present;

3. location and availability of written hazardous communication program (i.e. the policy), the list of hazardous chemicals and the MSDSs.

Training should include:

1. techniques used to detect presence or release of hazardous chemicals in work area;

2. physical and health hazard of hazardous chemicals;

3. the measures the employees should take to protect themselves from these hazards;

4. details of the hazardous communication program including an explanation of labeling system and MSDSs and how employees can obtain and use hazard information.

Employees shall also be informed of:

1. the employer's anti-discrimination/discharge policy for employees accessing hazard information;

2. how the employee can contact OHD or GISD for assistance in obtaining an MSDS if s/he is unable to obtain the MSDS from the employer.

Any staff member or contractor who applies pesticides on District property shall meet the requirements of AG 8431A in addition to requirements established by the State. S/He shall provide written notification each year, prior to any application, to all parents and staff members:

A. that a pesticide is to be applied;

B. the type of pesticide and its potential side effects;

C. the location of the application;

D. the date of the application.

In fulfilling these responsibilities, the Toxic Hazard Preparedness Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

ASBESTOS

In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA) and the Michigan Occupational Safety and Health Act (MIOSHA), the Board recognizes its responsibility to:

A. inspect all District buildings for the existence of asbestos or asbestos-containing materials;

B. take appropriate actions, in accordance with State law and EPA regulations, based on the inspections;

C. establish a program for dealing with friable asbestos, if found;

D. maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos;

E. comply with EPA regulations governing the transportation and disposal of asbestos and asbestos-containing materials.

The Superintendent shall appoint a person to develop and implement the District's Asbestos-Management Program which will ensure proper compliance with Federal and State laws and the appropriate instruction of staff and students.

The Superintendent shall also ensure that, when conducting asbestos abatement projects, each contractor employed by the District is licensed pursuant to the Michigan Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that is the consequence of an accident or equipment failure, any negligent act, or a deliberate act beyond the control of the Board or its officers and employees.

The District may provide, however, legal representation and indemnification against civil liability with regard to claims or actions resulting from or arising out of negligence or alleged negligence of those persons responsible for inspecting, monitoring, removing, treating asbestos or material containing asbestos, or supervising these activities, provided the employee was performing the duties while in the course of his/her employment or while acting within the scope of his/her authority. The District reserves the right to deny representation and indemnification in those circumstances

wherein the employee's actions demonstrate gross negligence or willful and wanton misconduct.

po8442

REPORTING ACCIDENTS

8442 - **REPORTING ACCIDENTS**

The Board of Education directs that all reasonable efforts be made to ensure a safe learning and working environment for the students and employees of this District. To that end and so that legitimate employee claims for worker's compensation be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, an employee of the Board, or a visitor to the schools must be reported promptly and in writing to the District Business Office. Injured persons shall be referred immediately to the appropriate personnel for such medical attention as may be needed.

The injured employee, visitor, or the staff member responsible for an injured student shall complete a form that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Board who suffers a job-related injury must report the injury and its circumstances to the principal or job supervisor, as appropriate, as soon as possible following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action in accordance with standards set forth in a negotiated, collective-bargained agreement.

po8450

CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES

8450 - **CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES**

The Board of Education recognizes that control of the spread of communicable disease spread through casual-contact is essential to the well-being of the school community and to the efficient District operation.

For purposes of this policy, "casual-contact communicable disease" shall include diphtheria, scarlet fever and other strep infections, whooping cough, mumps, measles, rubella, and others designated by the Michigan Department of Community/Public Health.

In order to protect the health and safety of the students, District personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations which pertain to immunization and other means for controlling casual-contact communicable disease spread through normal interaction in the school setting.

If a student exhibits symptoms of a communicable disease, the principal will isolate the student in the building and contact the parents/guardians. Protocols established by the County Health Department shall be followed.

The Superintendent shall develop administrative guidelines for the control of communicable disease which shall include:

A. instruction of professional staff members in the detection of these common diseases and measures for their prevention and control;

B. removal of students from District property to the care of a responsible adult;

C. preparation of standards for the readmission of students who have recovered from casual-contact communicable diseases;

D. filing of reports as required by statute and the State Department of Health.

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po8450.01

PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS

8450.01 - **PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS**

During times of elevated communicable disease community spread (pandemic or epidemic), the Superintendent will issue periodic guidance through Board of Education plans/resolution(s) in alignment with public health officials and/or in accordance with government edicts and including any Pandemic Plan developed by the District's Pandemic Response Team.

School settings can be a source of community spread. Wearing face masks/coverings is especially important during these times and can help mitigate the risk of exposure from person to person.

As such, during times of elevated communicable disease community spread, the Superintendent may activate this policy by notifying the school community, requiring all school staff, volunteers, and visitors (including vendors) to wear appropriate face masks/coverings on school grounds unless it is unsafe to do so or where doing so would significantly interfere with the Districts educational or operational processes.

Face masks/shields will be provided by the District to employees. Alternatively, employees may elect to wear their own face coverings if they meet the requirements of this policy as well as any requirements issued by State or local health departments.

In addition, the Board **may** require that students shall wear a face mask unless they are unable to do so for a health or developmental reason. Efforts will be made to reduce

any social stigma for a student who, for medical or developmental reasons, cannot and should not wear a mask.

If face masks/coverings are required, and no exception is applicable, students shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code, and in accordance with policies of the Board and/or may be reassigned by the Superintendent to an online/virtual learning environment if the Superintendent determines that reassignment is necessary to protect the health and safety of the student or others.

During times of elevated communicable disease community spread as determined by the Board in consultation with health professionals, all students are required to wear masks while being transported on District school buses or other modes of school transportation.

Use of Mask/Face Covering

Cloth face coverings/masks should:

A. fully cover the mouth, nose, and chin;

B. fit snugly against the side of the face so there are no gaps;

C. not create difficulty breathing while worn; and

D. be held securely through either a tie, elastic, etc. to prevent slipping.

Facial masks/coverings generally should not include surgical masks or respirators unless medically indicated (as those should be reserved for healthcare workers) or masks designed to be worn for costume purposes.

All employee facial masks/coverings shall meet the requirements of the appropriate dress/staff grooming policies (Policy 3216/4216). All student facial masks/coverings shall meet the requirements of the appropriate Student Code of Conduct/Student Discipline Code and Policy 5511 Dress and Grooming.

Any person may be required to temporarily remove a face mask or covering when instructed to do so for identification or security purposes. Failure to comply with such a request violates this policy and may lead to disciplinary or other action.

Exceptions to the use of masks/face coverings include when:

A. facial masks/coverings in the school setting are prohibited by law or regulation;

B. facial masks/coverings are in violation of documented industry standards;

C. facial masks/coverings are not advisable for health reasons;

D. facial masks/coverings are in violation of the school's documented safety policies;

E. facial masks/coverings are not required when the staff works alone in an assigned work area;

F. there is a functional (practical) reason for a staff member or volunteer not to wear a facial mask/covering in the workplace;

G. settings where cloth masks might present a safety hazard (i.e. science labs);

H. for individuals who have difficulty wearing a cloth face covering; or

I. to assist with communication for hearing impaired students.

The Board may be required to provide written justification to the local health officials upon request explaining why a staff member is not required to wear a facial covering in the school. Therefore, if any exceptions are made to the requirement for facial coverings, the request for such exception must be submitted in writing to the individual's supervisor with appropriate documentation provided. A decision on the request will be provided in writing.

Use of Face Shields

Face shields that wrap around the face and extend below the chin may be permitted as an alternative to cloth face masks/coverings with permission of the Superintendent as the Board recognizes that face shields may be useful in some situations, including:

A. when interacting with students, such as those with disabilities, where communication could be impacted;

B. when interacting with English-language learners or when teaching a foreign language;

C. settings where cloth masks might present a safety hazard (i.e. science labs); or

D. for individuals who have difficulty wearing a cloth face covering.

If employees receive approval from the District administration after discussing their request not to wear a face mask/covering/shield due to a physical, mental or developmental health condition, and/or if wearing a mask/covering/shield would lead to a medical emergency or would introduce significant safety concerns, the District administration may also discuss other possible accommodations for the staff member. Such discussion shall follow Board policies and guidelines under the ADA.

School nurses or staff who care for individuals with symptoms consistent with those of a communicable disease must use appropriate personal protective equipment (PPE), provided by the school, in accordance with OSHA standards.

When facial masks/coverings are required by the Board, and no exception has been applied, staff members who violate this policy shall be subject to disciplinary action in accordance with policies of the Board.

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po8450.05

EMERGENCY TEMPORARY TELECOMMUTING POLICY (ETTP)

8450.05 - **EMERGENCY TEMPORARY TELECOMMUTING POLICY (ETTP)**

In order to protect the health and safety of the District's employees, to contain the spread of COVID-19, and in compliance with the Michigan Occupational Safety and Health Administration (MIOSHA) Emergency Rules, the Board of Education enacts this temporary emergency telecommuting policy for employees capable of performing their work assignment from home. For the duration of this policy, the District prohibits in-person work for employees to the extent that their work activities can feasibly be performed remotely. Such remote assignment for work activities shall be determined by the Superintendent.

Due to the nature of public education and the District's COVID 19 extended learning plan, not all employees are able to work remotely. Moreover, the nature of the District's business and operations requires daily interaction at the school buildings and at other designated facilities. Accordingly, this policy is temporary in nature and shall not be construed to create an entitlement to telecommute in the future, and it in no way changes the terms and conditions of employment with the District. This policy will cease to be in effect consistent with the end of the current COVID-19 health emergency, consistent with State law and applicable Executive Order/Rule, and as determined by the Superintendent and approved by the Board. Employees who are directed to work from home under this Policy will be notified by the Superintendent when to return to their regular work stations and locations. Requests for continued telecommuting will be considered for qualified individuals with a disability who can perform the essential functions of the position with or without an accommodation.

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po8452

AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)

8452 - **AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)**

The Board of Education has determined that it may enhance school safety to have an automatic external defibrillator (AED) placed in building(s) within the School District.

An AED is a medical device that contains a heart monitor and defibrillator that is used to administer an electric shock through a person's chest wall to the heart. The built-in computer system of the AED assesses the patient's heart rhythm, determines whether defibrillation is needed, and then administers a shock, if necessary. Audible and/or visual prompts guide the user through the process of using the AED.

The Board directs the Superintendent to develop guidelines that govern AEDs, including the use of the AED, placement of the AED, training and oversight by a medical doctor or by the local EMS Medical Director. The Board also directs the Superintendent, in conjunction with the Medical Director, to review the guidelines, as appropriate. The AED devices will be located at school buildings for use by employees with proper AED training.

DIRECT CONTACT COMMUNICABLE DISEASES

8453 - **DIRECT CONTACT COMMUNICABLE DISEASES**

The Board of Education seeks to provide a safe educational environment for students and staff. This can best be accomplished by assuring that all persons with the school community understand the method of transmission and prevention of diseases that are not contracted through air-borne pathogens, but rather, through direct contact with body fluids and excretions, especially blood, vomit, feces, or urine. The Board is also committed to assuring the confidential status of individuals who may have been diagnosed with a blood-borne communicable disease.

For purposes of this policy, these diseases shall include:

A. HIV (human immunodeficiency virus);

B. AIDS (acquired immune deficiency syndrome);

C. AIDS related complex (condition);

D. HAV, HBV, HCV (Hepatitis A, B, C);

E. other diseases that may be specified by the State Department of Health as contact communicable diseases.

The Board recognizes the fact that individuals who have contracted these diseases may not exhibit symptoms for many years after exposure and may, in fact, not be aware that they have contracted the disease. They are, however, able to transmit the disease to other individuals.

The Board further directs the Superintendent to assure that students or staff who reveal the fact they have contracted one of these diseases will have their status safeguarded in accordance with Federal and State statutes dealing with confidentiality and that their civil rights will be respected. Staff members will have access to District leave policies in accordance with Board policy and negotiated agreement and opportunities for reasonable accommodation as described by the Americans with Disabilities Act. Should a student be unable to attend school as a result of illness, an alternative education program shall be provided in accordance with the Board's policy and administrative guidelines dealing with Homebound Instruction.

Additionally, the Board directs the Superintendent to develop an educational program in accordance with Michigan law that will ensure proper instruction of guidance counselors, nurses (need not be included if a "licensed health care professional"), teachers, and other school personnel who teach students about HIV and AIDS. Such a program shall include information about:

A. the nature of the disease;

B. its causes and effects;

C. the means of detecting it and preventing its transmission;

D. the availability of appropriate sources of counseling and referral; and

E. any other information that is appropriate considering the age and grade levels of students.

po8453.01

CONTROL OF BLOOD-BORNE PATHOGENS

8453.01 - **CONTROL OF BLOOD-BORNE PATHOGENS**

The Board of Education seeks to protect those staff members who may be exposed to blood pathogens and other potentially infectious materials in their performance of assigned duties.

The Superintendent shall implement administrative guidelines which will:

A. identify those categories of employees whose duties create a reasonable anticipation of exposure to blood and other infectious materials;

B. provide for inoculation of the Hepatitis B vaccine at no cost to the staff member and in accordance with Federally- mandated scheduling;

C. ensure proper training in the universal precautions against exposure and/or contamination including the provision of appropriate protective supplies and equipment;

D. establish appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of exposure;

E. provide for record-keeping of all of the above which complies with both Federal and State laws;

F. develop an exposure control plan.

po8462

STUDENT ABUSE AND NEGLECT

8462 - **STUDENT ABUSE AND NEGLECT**

The Board of Education is concerned with the physical and mental well-being of the students of this District and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

Each professional staff member employed by this District and all other persons employed by this District who are mandatory reporters under the law who has reasonable cause to suspect child abuse or neglect shall be responsible for reporting immediately every case, whether ascertained or suspected, of abuse or neglect resulting in physical or mental injury to a student by other than accidental means.

The professional staff member or other mandatory reporter or appropriate administrator in the presence of the staff member shall immediately notify the local office of the Central Registry of the Michigan Department of Health and Human Services (MDHHS) Family Independence Agency, by telephone, or, if available, through the online reporting system, of the suspected child abuse or child neglect. If an oral report is made by telephone, the reporting person shall file a written report within seventy-two (72) hours of making the oral report as required by the Child Protection Law and shall secure prompt medical attention for any such injuries reported.

S/He shall also notify the appropriate administrator according to the District's Reporting Procedure for Student Abuse or Neglect.

Any support staff member who has reasonable cause to suspect child abuse or neglect shall immediately report any such case to the principal or his/her supervisor who shall, in turn, immediately notify the Central Registry of the Michigan Department of Health

and Human Services (MDHHS) by telephone, or, if available, through the online reporting system, of the suspected child abuse or child neglect. If an oral report is made by telephone, the reporting person shall file a written report within seventy-two (72) hours of making the oral report as required by the Child Protection Law.

S/He shall also notify the appropriate administrator according to the District's Reporting Procedure for Student Abuse or Neglect.

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. A reporting staff member shall not be dismissed or otherwise penalized for making a report of child abuse or neglect.

Information concerning alleged child abuse is confidential. Any unauthorized disclosure by an official or employee of the District is a violation of the law and subjects the disseminator to civil liability for resulting damages.

Each principal should be mindful of the possibility of physical or mental abuse being inflicted on a student by a staff member. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent.

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po8500

FOOD SERVICES

8500 - **FOOD SERVICES**

The Board of Education shall provide cafeteria facilities in all school facilities where space and facilities permit, and will provide food service for the purchase and consumption of lunch for all students.

The Board shall also provide a breakfast program in accordance with procedures established by the Department of Education.

The food service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages including, but not limited to, the current United States Department of Agriculture's ("USDA") school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.

Further, the food service program shall comply with Federal and State regulations pertaining to the fiscal management of the program as well as all the requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point ("HACCP") system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify

the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:

A. consider the nutritional value of each food or beverage;

B. consult with a dietitian licensed under R.C. Chapter 4759, a dietetic technician registered by the Commission on Dietetic Registration, or a school nutrition specialist certified or credentialed by the School Nutrition Association;

C. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the USDA and the United States Department of Health and Human Services; and

D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

The District's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines.

The Superintendent will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report to the Board at one of its regular meetings, annually, regarding the District's compliance with the standards.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

Dietary Modifications

Modifications Based on Compliant Medical Documentation

An adult student or student's parent requesting special dietary accommodations for a student with a disability that restricts the diet must provide the Medical Statement for Special Dietary Needs signed by a State-authorized medical authority, which is a medical professional authorized in the State of Michigan to write prescriptions. The request must contain the following information:

1. an explanation of how the student’s physical or mental impairment restricts the diet;
2. the food(s)/type(s) of foods to be avoided;
3. the food(s)/type(s) of foods to be substituted; and
4. additional pertinent information, if any, that will assist in accommodating the student's needs.

If a Medical Statement for Special Dietary Needs is incomplete, unclear, or lacks sufficient detail, the Special Dietary Accommodation Coordinator or Food Service Director shall request that the student or parent/guardian request that the medical authority supplement the response so that a safe meal can be provided.

A special dietary accommodation for a student who has a disability that restricts the student's diet must be supported by a Medical Statement for Special Dietary Needs, which should be submitted to the Food Service Director, who shall serve as the Special Dietary Accommodation Coordinator.

A student with a disability may have an IEP or 504 plan that requires specific instruction, services, or accommodation related to the student's nutritional needs. If a student's IEP or 504 plan contains the same information that is required on a Medical Statement for Special Dietary Needs, then it is not necessary to obtain and submit a separate Medical Statement for Special Dietary Needs.

The individual making an initial request for such substitutions must inform the Food Service Director or Special Dietary Accommodation Coordinator that the student has a disability that restricts the student's diet. The School District will honor the request upon receipt of the required documentation from a State-authorized medical authority. If the Special Dietary Accommodation Coordinator is unable to grant a requested accommodation following receipt of the medical authority's statement, the student or parent shall be provided with an explanation of the basis for the decision. Compliant requests shall be immediately implemented.

Disability Accommodation Grievance Procedure

The following procedure is intended to provide prompt and equitable resolution to any concern or disagreement regarding the food service program's administration of meal modifications made or requested on the basis of a student's disability. None of the procedures described in this policy section shall prevent a student or parent from pursuing a complaint with any State or Federal agency, including the USDA, using the procedures described at the end of this policy.

A. If an initial request for accommodation in the form of substituted meals is denied, the student or parent may request review of that decision by the Building Principal and shall provide any communications between the

student or parent and food service officials concerning the accommodation request, any documentation provided by a medical authority, and any additional information the student or parent believes is pertinent to the decision. A review of the materials provided and of the initial decision shall be completed and a response provided to the student or parent as soon as practicable following receipt of the request for review. If the initial decision is reversed, including due to additional information provided on review, the dietary accommodations shall be implemented without delay. If the initial decision is affirmed, the decision may be appealed to the Superintendent, whose decision is final.

B. Any other complaint or disagreement with the food service administration concerning implementation of special dietary accommodations based on a student's disability shall be presented to the Special Dietary Accommodation Coordinator. The student or parent shall specify the nature of the concern and any requested remedy in writing. The Coordinator shall promptly review the grievance and either contact the student or parent for any required clarification of the request or to seek to reach an agreement regarding how to best address the concern. If no agreement is reached, the Coordinator shall make a determination and notify the student or parent in writing as soon as practicable. If the grievance is affirmed in any respect, the Coordinator shall propose a plan for implementing appropriate remedial measures. If the student or parent is dissatisfied with the Coordinator's determination, the student or parent may submit a written request to the Building Principal or Superintendent for review. The administrator's determination shall be final.

IMPLEMENTATION AND DISCONTINUATION

Review

Upon receipt of a request for a special dietary accommodation, the Food Service Director or Special Dietary Accommodation Coordinator shall review the request to ensure it is supported as required by Federal law and District policy and if not, shall request additional or clarifying information from the student or parent making the request.

Implementation

When the need for a special dietary accommodation is supported by a Medical Statement for Special Dietary Needs signed by a State-authorized medical authority, the District will offer a reasonable modification that effectively accommodates the student's disability. Following USDA Child Nutrition Program regulations, the School District may consider factors such as cost and efficiency, and is not required to prepare a specific meal, provide a specific brand of food, or provide a meal beyond the meals provided to other students.

For students who have an IEP or 504 plan that requires specific food-related accommodations, the School District shall provide the accommodation as required by law, seeking clarifying medical information, as necessary.
A special dietary request will be approved and implemented upon submission of a completed authorized Medical Statement.

Student Absence

If a student receiving a special dietary accommodation is absent or does not wish to participate in school lunch on a day an accommodation is planned, the student or parent shall contact the Special Dietary Accommodation Coordinator by 9:00 a.m. the same day.

Renewing A Special Dietary Request

An authorized Medical Statement does not need to be updated annually. However, the Special Dietary Accommodation Coordinator may annually seek clarification or updates on special dietary requests.

Discontinuation of a Special Dietary Request

A special dietary request or part of a request may be discontinued by a parent by submitting the request in writing to the Special Dietary Accommodation Coordinator or shall be discontinued consistent with the medical authorities' recommendation provided with the Medical Statement for Special Dietary Needs.

Lunches sold by the school may be purchased by students and staff members, and community residents in accordance with the administrative guidelines established by the Superintendent.

The operation and supervision of the food-service program shall be the responsibility of the Food Service Management Company and the Business Manager. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

A periodic review of the food-service accounts shall be made by the Business Manager. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a la carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

Meal Charges

Meals sold by the school may be purchased by students, staff members, and community residents in accordance with administrative guidelines established by the Superintendent. Meals may be made available, free of charge, to senior citizens who are serving as volunteers to the District.

The operation and supervision of the food service program shall be the responsibility of the Business Manager. In accordance with Federal law, the Business Managers shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request.

A periodic review of the food service accounts shall be made by the Business Manager. Any surplus funds from the National School Lunch Program or the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from à la carte foods may accrue to the food service program.

Bad Debt

Bad debt incurred through the inability to collect lunch payments from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable, are also unallowable. District efforts to collect bad debt shall be in accordance with Policy 6152 - Student Fees, Fines, and Charges.

Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable no sooner than the end of the school year in which the debt was incurred. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the District's general fund, State or local funding, school or community organizations such as the PTA, or any other non-Federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b) (17) and 7 C.F.R. 210.15(b).

Negative Account Balances

Students will be permitted to purchase meals from the District's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance subject to the following conditions.

Students may be permitted to accumulate a negative food service account balance not to exceed $5.00. A student shall not be permitted to purchase a la carte items without sufficient account balance or cash on hand. Likewise, any student who has a negative account balance may not purchase a la carte items with cash unless the student is also able to bring their account current.

A student who has exceeded the permissible negative balance amount in their account and does not have cash on hand sufficient to purchase a meal will be treated respectfully. The District will provide meals to students with unpaid meal balances without stigmatizing them, will provide parents of students who charge meals with notification when a student charges a meal and will make efforts to collect the charges incurred by the students so that the unpaid charges are not classified as bad debt at the end of the school year.

If a student has reached the permissible level of a negative lunch account balance, that student shall be provided an alternative reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to a negative lunch account balance.

Students who have qualified for Free lunches are still responsible for paying off any debt that was incurred prior to qualifying for free lunches. This policy and any implementing guidelines shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the year. The policy and implementing guidelines will also be provided to all District staff with responsibility for enforcing the policies.

With regard to the operation of the school food service program, the Superintendent shall require:

A. the maintenance of sanitary, neat premises free from fire and health hazards;

B. the preparation of food that complies with Federal food safety regulations;

C. the planning and execution of menus in compliance with USDA requirements;

D. the purchase of foods and supplies in accordance with State and Federal law, USDA regulations, and Board policy (See Policy 1130, Policy 3110, and Policy 4110);

E. complying with food holds and recalls in accordance with USDA regulations;

F. the accounting and disposition of food-service funds pursuant to Federal and State law and USDA regulations;

G. the safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;

H. the regular maintenance and replacement of equipment;

I. all District employees whose salaries are paid for with USDA funds or non-federal funds used to meet a match or cost share requirement must comply with the District's time and effort record-keeping policy (See Policy 6116).

The District shall serve only nutritious food as determined by the Food Service Department in compliance with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School

nutrition guidelines. Foods and beverages unassociated with the food service program must comply with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines, and may be vended in accordance with Board Policy 8540.

The Superintendent will require that the food service program serve foods in District schools that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of the Board's regular meetings annually.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture ("USDA") civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. The District's nondiscrimination statement below is complementary to the District's nondiscrimination policies, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 1422/Policy 3122/Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at https://www.usda.gov/sites/default/files/documents/ad-3027.pdf, from any USDA office by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights ("ASCR") about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. Mail:
   U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410; or

2. Fax:(833) 256-1665 or (202) 690-7442; or

3. E-mail:program.intake@usda.gov.

This institution is an equal opportunity provider.

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po8510

WELLNESS

8510 - **WELLNESS**

As required by law, the Board of Education establishes the following wellness policy for the Whiteford Agricultural School District.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the District's students. Furthermore, research concludes that there is a positive correlation between a student's health and well-being and the student's ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

The Board, however, believes this effort to support the students' development of healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits with respect to eating and exercise.

The Board sets the following goals in an effort to enable students to establish good health, healthy nutrition, and physical activity habits:

A. With regard to nutrition education, the District shall:

1. Nutrition education shall be included in the Health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.

2. Nutrition education shall be included in the sequential, comprehensive Health curriculum in accordance with the curriculum standards and benchmarks established by the State.

3. Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.

4. Nutrition education standards and benchmarks shall be age-appropriate and culturally relevant.

5. The standards and benchmarks for nutrition education shall be behavior-focused.

6. Nutrition education shall include enjoyable, developmentally appropriate, and culturally relevant participatory activities, such as contests, promotions, taste testing, and others.

7. Nutrition education shall include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.

8. Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.

9. Nutrition education posters, such as the Food Pyramid Guide and USDA's MyPlate, will be displayed in the cafeteria and other appropriate areas visible to students and others in the school community.

10. The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.

11. Nutrition education shall extend beyond the school by engaging and involving families and the community.

12. Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate and enjoyable.

13. Nutrition education benchmarks and standards include a focus on traditional and social media platforms (including podcasts, etc.) related to food marketing literacy strategies.

14. Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, lean meats, fish, poultry, and plant-based proteins, and low-fat and fat-free milk and dairy products.

15. Staff responsible for providing instruction in nutrition education shall regularly participate in professional development activities designed to better enable them to teach the benchmarks and standards.

16. Instruction related to the standards and benchmarks for nutrition education shall be provided by highly qualified teachers.

17. The District shall provide information to parents that is designed to encourage them to reinforce at home the standards and benchmarks being taught in the classroom.

B. With regard to physical activity, the District shall:

1. **Physical Education**

a. A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the standards and benchmarks established by the State.

b. The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.

c. The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

d. The K-12 program shall include instruction in physical education as well as opportunities to participate in competitive and non-competitive team sports to encourage lifelong physical activity.

e. Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.

f. Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.

g. Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, or harassment of any kind.

h. Planned instruction in physical education shall include cooperative as well as competitive games.

i. Planned instruction in physical education shall take into account gender and cultural differences.

2. **Physical Activity**

    a. Physical activity should not be employed as a form of discipline or punishment.

    b. The school shall provide information to families to encourage and assist them in their efforts to incorporate physical activity into their children's daily lives.

    c. All students in grades K-12 shall have the opportunity to participate in extracurricular activities and intramural programs that emphasize physical activity.

    d. All students in grades 7-12 shall have the opportunity to participate in interscholastic sports programs.

C. With regard to other school-based activities:

Free drinking water shall be available to students during designated meal times and may be available throughout the school day.

1. The schools shall schedule mealtimes so there is minimal disruption by bus schedules, recess, and other special programs or events.

2. The school shall provide attractive, clean environments in which the students eat.

3. Activities, such as tutoring or club meetings, shall not be scheduled during mealtimes, unless students may eat during those meetings.

4. Students, parents, and other community members shall have access to, and be encouraged to use, the school's outdoor physical activity facilities outside the normal school day.

5. The schools may provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas.

6. Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.

D. With regard to nutrition promotion, any foods and beverages marketed or promoted to students on the school campus, during the school day, will meet or exceed the USDA Smart Snacks in School nutrition standards.

Additionally, the District shall:

1. encourage students to increase their consumption of healthful foods during the school day;

2. create an environment that reinforces the development of healthy eating habits, including offering the following healthy foods that comply with the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards:

    a. a variety of fresh produce to include those prepared without added fats, sugars, refined sugars, and sodium

    b. a variety of vegetables daily to include five (5) specific subgroups outlined in the Dietary Guidelines for Americans and promoted in the MyPlate materials (dark green, red/orange, beans/peas/legumes, starchy, and other)

    c. whole grain, whole and whole grain rice products that meet school lunch and breakfast program requirements and, if offered, Smart Snack in School standards

    d. choice of fluid milk from fat-free or low-fat (unflavored and flavored) at program lunch and breaks meals, with one (1) choice being unflavored

e. meals designed to meet specific calorie ranges for age/grade groups

3. eliminate foods offered in program meals and those offered as part of Smart Snacks in Schools that are not free of added trans-fat

4. promote and encourage a variety of choices from the fruit component and vegetable component daily within the school lunch program

5. require students to select a fruit or vegetable as part of a complete reimbursable meal

E. All foods and beverages sold to students as fundraisers outside of the school meals program during the regular and extended school day for consumption on the school campus shall meet the USDA Competitive Food regulations, the Alliance for A Healthier Generation's Competitive Foods and Beverages Guidelines, and the USDA Smart Snacks in School nutrition standards.

F. Rewarding children in the classroom should not involve candy and other foods that can undermine children's diets and health and reinforce unhealthy eating habits. A wide variety of alternative rewards can be used to provide positive reinforcement for children's behavior and academic performance.

Furthermore, with the objectives of enhancing student health and well-being, and reducing childhood obesity, the following guidelines are established:

A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages including, but not limited to, the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.

B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

The sale of foods of minimal nutritional value in the food service area during the lunch period is prohibited.

C. The sale of foods and beverages to students that do not meet the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards to be consumed on the school campus during the school day is prohibited.

D. All food items and beverages available for sale to students for consumption on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) between midnight and thirty (30) minutes after the close of the regular school day shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, including, but not limited to, competitive foods that are available to students a la carte or as entrees in the dining area (except entree items that were offered on the National School Lunch Program ("NSLP") or School Breakfast Program ("SBP") menu on the day of and the day after they are offered on the NSLP or SBP menu), as well as food items and beverages from vending machines, from school stores, or as fund-raisers, including those operated by student clubs and organizations, parent groups, or boosters clubs.

E. All foods offered on the school campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, or from vending machines.

F. All food and beverages that are provided, other than through sale, on the school campus during the school day (which may include classroom snacks, for

classroom parties, and at holiday celebrations) shall comply with the current USDA Dietary Guidelines for Americans.

G. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.

H. The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well, regardless of unpaid meal balances and without stigma.

I. All foods available on campus at any time shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as well as foods that are served as classroom snacks, from vending machines, for fund raisers, for classroom parties, at holiday celebrations, at concession stands, or at any school-related event.

J. The school food service program may involve students, parents, staff, and/or school officials in the selection of competitive food items to be sold in the schools.

K. The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.

L. All food service personnel shall receive pre-service training in food service operations.

M. Continuing professional development shall be provided for all staff of the food service program.

The Board designates the Superintendent as the individual(s) charged with operational responsibility for verifying that the District meets the goals established in this policy.

The Superintendent shall appoint a District wellness committee that includes parents, students, representatives of the school food authority, educational staff (including health and physical education teachers), mental health and social services staff, school health professionals, members of the public and school administrators to oversee development, implementation, evaluation and periodic update of the wellness policy. The Wellness Committee shall be an ad hoc committee with members recruited and chosen annually. School-level health advisory teams may assist in the planning and implementation of these Wellness initiatives.

The Wellness Committee shall be responsible for:

A. assessment of the current school environment;

B. review of the District's wellness policy;

C. presentation of the wellness policy to the school board for approval;

D. measurement of the implementation of the policy;

E. recommendation for the revision of the policy, as necessary.

Before the end of each school year, the Wellness Committee shall recommend to the Superintendent any revisions to the policy it deems necessary and/or appropriate. In its

review, the Wellness Committee shall consider evidence-based strategies in determining its recommendations.

The Superintendent shall report annually to the Board on the progress of the Wellness Committee and on its evaluation of policy implementation and areas for improvement, including status of compliance by individual schools and progress made in attaining goals of policy.

The Superintendent is also responsible for informing the public, including parents, students and community members, on the content and implementation of this policy. In order to inform the public, the Superintendent shall include information in the student handbook and post the policy on the District’s website, including the Wellness Committee's assessment of the implementation of the policy.

The District shall assess the Wellness Policy at least once every three (3) years on the extent to which schools in the District are in compliance with the District policy, the extent to which the District policy compares to model wellness policies, and the progress made in attaining the goals of the District Wellness Policy. The assessment shall be made available to the public on the School District's web site.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture ("USDA") civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. The District's nondiscrimination statement below is complementary to the District's nondiscrimination policies, including Policy 2260 - Nondiscrimination and Access to Equal Opportunity and Policy 1422/Policy 3122/Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: https://www.usda.gov/sites/default/files/documents/ad-3027.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights ("ASCR") about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. Mail:
   U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410; or
2. Fax:
   (833) 256-1665 or (202) 690-7442; or
3. E-mail:
   program.intake@usda.gov.

This institution is an equal opportunity provider.

Revised 1/13/14
Revised 2/9/15
Revised 6/12/17
Revised 4/12/21

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po8531

FREE AND REDUCED-PRICE MEALS

8531 - **FREE AND REDUCED-PRICE MEALS**

The Board of Education recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide needy children with breakfast and lunch at a reduced rate or at no charge to the student.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Child Nutrition Program. These criteria are issued annually by the Federal government through the State Department of Education.

Parents or guardians will be required to fill out relevant information to determine student eligibility for Federal free or reduced-cost meal reimbursement rates and CEP eligibility determinations.

The Board designates the Business Manager and/or Food Service Management Company to determine in accordance with Board standards, the eligibility of students for free and/or reduced-price meals.

The schools shall annually notify all families of the availability, eligibility requirements, and/or application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the school and shall seek out and apply for such Federal, State, and local funds as may be applied to the District's program of free and reduced-price meals.

However, in accordance with the provisions outlined in State Aid Section 31k, this procedure prohibits:

A. the requiring of any student who cannot pay for a school meal or who has a negative meal payment balance to wear a wristband or handstamp;

B. the requiring of any student who cannot pay for a school meal or who has a negative meal payment balance to perform chores or other work to pay for school meals;

C. the requiring of any student to dispose of a meal after it has been served because the student is unable to pay for the meal or has a negative meal payment balance;

D. communicating directly with a student about a student meal debt unless the District has attempted to contact, but has been unsuccessful in communicating with, a student's parent or legal guardian through telephone, mail, and email; and

E. discussing a negative meal payment balance with a student in the presence of other students.

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po8540

VENDING MACHINES

8540 - **VENDING MACHINES**

The Board of Education recognizes that vending machines can produce revenues which are useful to augment programs and services to students and staff. It will, therefore, authorize their use in District facilities providing that the following conditions are satisfied.

A. The installation, servicing, stocking, and maintenance of each machine is contracted for with a reputable supplier of vending machines and their products.

B. The District's share of the revenues is managed by the District in accordance with relevant Board policies and administrative guidelines.

C. No products are vended which would conflict with or contradict information or procedures contained in the District's educational programs on health and nutrition.

D. No food or beverages are to be sold or distributed which will compete with the District's food-service program.

E. Food items and beverages available for sale to students in vending machines for consumption on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) during the school day (the period from the midnight before, to thirty (30) minutes after the end of the official school day) shall comply with the current USDA Dietary

Guidelines for Americans and the USDA Smart Snacks in School nutrition standards.

The Superintendent shall develop and implement administrative guidelines which will require that these conditions are adhered to on a continuing basis.

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po8600

TRANSPORTATION

8600 - **TRANSPORTATION**

It is the policy of the Board of Education to provide transportation for those students whose distance from their school makes this service necessary and in all other cases required by Federal or State law or regulations. The District shall provide transportation for resident regular education students attending nonpublic schools within or outside the District as necessary to comply with State law and the regulations of the State Board of Education.

School buses and student-transportation vehicles, whether purchased, leased, or contracted for, shall be maintained by the District for the transportation of resident students in accordance with State law. No vehicle shall be purchased or used to transport students for which there is no applicable, passenger-protection, Federal motor-vehicle safety standards.

All school buses and student-transportation vehicles, whether purchased, leased, or contracted for, shall comply with specifications defined in State law. Each operator of a school vehicle used by the District shall be licensed for the purpose for which the vehicle is being used and shall operate the vehicles in accordance with Federal and State laws. The license, a medical examiners certificate, and record of continuing education must be in the driver's possession when driving.

Transportation of eligible vocational or special education children between their home areas and schools outside the District shall be arranged through the use of District-owned vehicles, through cooperation with other districts, through commercial carriers, and/or by other means in the most efficient and economical manner.

The Board reserves the right to terminate transportation based on financial, legal, or other considerations. Additionally, it is a privilege for students to ride a District vehicle and this privilege may be revoked if the student's conduct is in violation of the Superintendent's administrative guidelines or the Code of Conduct pertaining to student transportation.

The Board authorizes the Superintendent to install and operate video cameras on District buses to enhance student safety and well-being. S/He shall establish appropriate administrative guidelines for the proper use of the cameras.

Students meeting the Federal definition of "homeless" will be transported from their temporary place of residence to their school of assignment, at the request of the parent, guardian, or unaccompanied minor, to the same extent as all other students of the District and consistent with this policy. If the homeless student's temporary residence is located outside the boundaries of the District, the Liaison for Homeless Children will coordinate with the Director of Transportation to contact the District in which the student temporarily resides to arrange for joint transportation of the student and to seek inter-district agreement on a method for apportioning the cost of such joint transportation. In no event will a homeless student be denied enrollment based on issues related to student transportation.

Similarly, the District shall provide transportation for children in foster care consistent with the procedures developed by the District in collaboration with the State or local child welfare agency. These requirements apply whether or not the LEA already provides transportation for children who are not in foster care. (Policy 5111.03)

In order for a student in foster care to remain in his/her school of origin, when in his/her best interest, transportation services shall be provided, arranged, and funded for the duration of the child’s placement in foster care.

Since foster care placements may occur across District, county, or State boundary lines, coordination among multiple agencies may be necessary. The District will work with

appropriate State and local agencies to address such placement and transportation issues that arise. The District shall provide or arrange for adequate and appropriate transportation to and from the school of origin while any disputes are being resolved.

The Superintendent shall establish administrative guidelines to ensure proper implementation of this policy.

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po8651

NONROUTINE USE OF SCHOOL BUSES

8651 - **NONROUTINE USE OF SCHOOL BUSES**

The Board of Education will permit the school buses owned or leased by this District to be used for purposes other than regularly- scheduled routes to and from school in accordance with law and rules of the State, provided such trips do not interfere with routine school transportation services.

The Board authorizes the use of school buses by organizations or groups composed of senior citizens, provided that such use does not conflict with the needs of the District for regular or special transportation of students enrolled. As permitted by law, groups are expected to pay the actual costs involved. Requests for the use of transportation by senior citizen groups shall be made to the Superintendent whose decision to approve or disapprove use shall be final.

Vehicles must be operated by the holder of a valid bus driver's license. The license, a medical examiners certificate, and a record of continuing education must be in the driver’s possession when driving. The cost of transportation shall be reimbursed to the Board in accordance with a formula established in the District's administrative guidelines.

The Superintendent shall develop administrative guidelines which should include provision for insurance coverage and the requirement that for each school bus trip involving school age passengers chaperones will be used to assist the staff member(s) in maintaining passenger control and in enforcing procedures for the safety of all passengers.

TRANSPORTATION BY PRIVATE VEHICLE

8660 - **TRANSPORTATION BY PRIVATE VEHICLE**

The Board of Education authorizes the transportation by private vehicle of students of the District.

Any such transportation must be approved in advance and in writing by the principal in accordance with the Superintendent's administrative guidelines.

The parent of the participating student will be given, on request, the name of the driver and the description of the vehicle.

No person shall be approved for the transportation of students in a private vehicle who is not an employee of this Board, an approved volunteer, the parent of a student enrolled in this District, and the holder of a currently-valid license to operate a motor vehicle in the State of Michigan.

No person shall be permitted to transport students who is not the holder of automobile liability and personal injury insurance in the amount required by District administrative guidelines. The Superintendent may withdraw the authorization of any private vehicle driver whose insurance is not adequate.

Any private vehicle used for the transportation of students must be owned by the approved driver or the spouse of the approved driver and must conform to registration requirements of the State.

The responsibility of professional staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are not professional staff members are requested to report student misconduct to the principal.

po8710

INSURANCE

8710 - **INSURANCE**

The Board of Education shall purchase with District funds the type and amount of insurance necessary to protect the District from major financial losses.

Insurance purchased shall include, but need not be limited to, the following:

A. negligent acts or omissions which cause personal injury or wrongful death

B. fire and extended coverage on buildings and contents

C. comprehensive bodily injury, property damage on automobiles, buses, and trucks

D. boiler and machinery

E. special coverage for equipment not ordinarily covered under a standard policy

F. employee insurance coverage as specified in the Master Agreement(s) or by Board action

G. worker's compensation coverage

H. legal liability for Board members and employees

Insurance for a given coverage shall be obtained assuming that service and company reliability are satisfactory. The Business Manager shall administer the insurance program.

po8740

BONDING

8740 - **BONDING**

The Board of Education recognizes that prudent trusteeship of the resources of this District dictate that employees responsible for the safekeeping of District monies and property be bonded.

The District shall be indemnified against loss of money and property by bonding of employees holding the positions and in the amounts determined by the Board and in accordance with State law.

All other employees handling money shall be covered under a blanket bond to an amount determined by the Board.

The Board shall bear the cost of bonding each employee required to be bonded by this policy.

po8760

STUDENT ACCIDENT INSURANCE

8760 - **STUDENT ACCIDENT INSURANCE**

The Board of Education recognizes the need for insurance coverage for injuries to students caused by accidents occurring in the course of attendance at school and participation in the athletic and co-curricular programs of the schools. Therefore, at the beginning of each school year, the Board shall offer parents the opportunity to participate in group accident insurance at the expense of the parents.

A signed statement of insurance coverage on the part of the student's parent or guardian shall be a prerequisite for student registration in any school activity having a potential for personal injury.

The Superintendent shall recommend suitable and qualified insurance carriers and notify all parents of their availability.

po8770

JOINT SELF-INSURANCE POOL

8770 - **JOINT SELF-INSURANCE POOL**

The Board of Education recognizes the benefits to the District of joining with other boards of education and political subdivisions in providing coverage for the insurance needs of this District and in participating in programs of risk management to prevent loss, reduce expenses, and to control liability.

The Board may provide insurance for:

A. loss or damage to District property, real or personal;

B. loss or damage from liability resulting from the use of District property;

C. loss or damage from liability for the acts and omissions of District officers, employees, or volunteers;

D. loss or damage from liability established by the workers' compensation statutes;

E. the expenses of defending any claim against the Board members, officers, or employees of this District arising out of and in the course of the performance of their duties;

F. hospital and medical insurance coverage.

The Board may, upon formal resolution duly adopted, become a member of a self-insurance group in order to participate in any joint self-insurance fund or funds, risk management programs, or related services offered or provided by the group. The Board's membership in the group will be governed by the bylaws of the insurance group, which must be reviewed and approved by the State Superintendent of Insurance in accordance with law.

Trustees of the school board self-insurance pool shall be selected in accordance with the bylaws of the insurance group; if the bylaws do not provide for the manner of a trustee's election, the trustee or trustees representing this Board shall be elected by a plurality vote of those Board members present and voting.

po8800

RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

8800 - **RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES**

RELIGIOUS CEREMONIES AND OBSERVANCES

The Board of Education acknowledges that the U.S. Constitution prohibits it from adopting any policy or rule promoting or establishing a religion or any policy that unlawfully restricts any person's free exercise of the individual right to free exercise of religion enjoyed by all persons. Within the confines of this legal framework, the Board adopts the following policy to address the scope of these rights and the District's authority within its own facilities or during events.

As public employees, while on duty and acting within the scope of employment or pursuant to official duties, District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. Staff are expected to avoid circumstances where the staff member's expression of religious views could be reasonably construed as an endorsement or approval of the message by the school or District. Nothing in this policy or its application shall serve to prohibit or interfere with any staff member's free exercise of their religious views in circumstances not covered by this policy.

Nothing in this policy prohibits teaching about various religions and religious practices in a manner consistent with any adopted District course curriculum. This instruction may include discussion of religious holidays and customs in a manner related to the curriculum that does not give the appearance of an endorsement of one religion over other religions or favoring either a system or religious beliefs or of other beliefs, such as atheism or agnosticism. Observance of religious holidays through devotional exercises or acts of worship is also prohibited.

Distribution of any outside organization's materials, including a request by any person wishing to facilitate dissemination of materials on District property, may make a request in accordance with Policy 7510 and AG 7510A - Use of District Facilities and Policy 9700 - Relations with Non-School Affiliated Groups and AG 9700A – Distribution of Materials to Students.

Students are not prohibited by this policy or any guideline promulgated pursuant to this policy, from engaging in the free, individual, and voluntary exercise or expression of the individual's/person's religious beliefs. However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when individuals are free to associate, or on an individual basis in a manner that does not disrupt the educational process.

Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on groups or individuals, and do not interfere with the regular school program.

The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

The Board shall not include religious invocations, benedictions, or formal prayer at any school-sponsored event.

PATRIOTIC ACTIVITIES AND OBSERVANCES

The flag of the United States shall be raised above each public school building operated by the District at all times during school hours, weather permitting. This flag shall measure at least 4 feet 2 inches by 8 feet. A United States flag shall also be displayed in every classroom or other instructional site in which students recite the Pledge of Allegiance.

All students in attendance at school will be provided an opportunity to recite the Pledge each day that school is in session. However, no student shall be compelled to recite the Pledge of Allegiance. No student shall be penalized for failure to participate in the Pledge and the professional staff shall protect any such students from bullying as a result of their not participating in the Pledge.

The building principal or administrator shall be responsible for determining the appropriate time and manner for reciting the Pledge, with due regard to the need to protect the rights and the privacy of a nonparticipating student.

The District may offer students and staff a Moment of Silence to commemorate a significant event that has a significant impact on the community. The decision to offer a moment of silence shall be the building principal's and/or the Superintendent's decision. No moment of silence shall be described by school officials with reference to religious symbolism or activity.

Revised 6/10/13

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po8900

ANTI-FRAUD

8900 - **ANTI-FRAUD**

This policy is implemented to advise employees about activities which may be fraudulent, illegal or otherwise unethical. The District will not tolerate such activities and disciplinary measures will be implemented as appropriate.

Scope

This policy applies to any fraud, or suspected fraud, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies and any other parties with a business relationship with the District.

Policy

Fraud and fraudulent activity is strictly prohibited.

Each employee or agent of the District shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the Business Office, the Superintendent or the Board President.

All administrators shall be vigilant for any conduct that may appear to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the District's Whistleblower's Guideline. (AG 1411)

Fraud – Definitions

Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon his/her injury.

The following are examples of prohibited acts:

A. falsification of any District record with the intent to conceal information to the District's detriment or the individual's advantage, particularly financial records

B. forgery of a check, bank draft, wire transfer or any other District financial document

C. unauthorized alteration of a financial document or account belonging to the District

D. misappropriation of funds, supplies or other assets of the District

E. impropriety in the handling or reporting of money or financial transactions

F. disclosing confidential and proprietary information to outside parties for personal gain (either directly or indirectly)

G. asking for, or accepting anything of material value from, contractors, vendors or persons providing services or materials to the District, except as provided in gift policies

H. unauthorized destruction, removal or use of records, furniture, fixtures and/or equipment for personal gain (either directly or indirectly)

I. misuse of state or federal funds for other than their designated purposes

This list is meant to illustrate the types of activities that are prohibited. It is not comprehensive. Other misconduct of a similar nature is similarly prohibited.

Confidentiality

The District will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and its obligations under the Freedom of Information Act. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Superintendent or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other District employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct,

unsubstantiated allegations which are not privileged could harm an innocent individual's reputation and result in potential civil liability.

Non-Retaliation

Those who, in good faith, report suspected fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct forward. They will be subject to protection of the District's Whistleblower's Policy 1411.

po9120

PUBLIC INFORMATION PROGRAM

9120 - **PUBLIC INFORMATION PROGRAM**

The Board of Education believes that all reasonable means should be employed to keep the public informed on matters of importance regarding District policies, finances, programs, personnel, and operations. It is the purpose of this policy to provide the ways and means to accomplish this purpose.

The Superintendent shall direct an information program designed to acquaint the citizens of the community and general public with the achievements and the needs of the schools.

Toward this end, the Board shall provide parents or guardians and other District residents opportunities for orientation and information regarding State regulations and local school procedures, and will utilize, insofar as practical, all appropriate means and media to achieve this end.

po9130

PUBLIC COMPLAINTS

9130 - **PUBLIC COMPLAINTS**

Any person or group, having a legitimate interest in the operations of this District shall have the right to present a request, suggestion, or complaint concerning District personnel, the program, or the operations of the District. At the same time, the Board of Education has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to rectify any misunderstandings between the public and the District by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences, shall more formal procedures be employed.

Any requests, suggestions, or complaints reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

Matters Regarding a Professional Staff Member

A. First Level

If it is a matter specifically directed toward a professional staff member, the matter must be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a

reasoned explanation or take appropriate action within his/her authority and District administrative guidelines.

This level does not apply if the matter involves suspected child abuse, substance abuse, or any other serious allegation which may require investigation or inquiry by school officials prior to approaching the professional staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to the building principal.

B. Second Level

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor and in compliance with provisions of a collective bargaining agreement, if applicable.

C. Third Level

If a satisfactory solution is not achieved by discussion with the building principal, a written request for a conference shall be submitted to the Superintendent. This request should include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;

2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;

3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent, the Board shall be advised of the resolution.

D. Fourth Level

Should the matter still not be resolved, or if it is gone beyond the Superintendent's authority and requires a Board decision or action, the complainant shall request, in writing, a hearing by the Board.

The Board, after reviewing all material relating to the case, may grant a hearing before the Board.

The complainant shall be advised, in writing, of the Board's decision no more than ten (10) business days following the next regular meeting. The Board/s decision will be final on the matter, and it will not provide a meeting to other complainants on the same issue.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

Matters Regarding an Administrative Staff Member

Since administrators are considered members of the District's professional staff, the general procedure specified in "Matters Regarding a Professional Staff Member" shall be followed.

Matters Regarding a Support Staff Member

In the case of a support staff member, the complaint is to be directed, initially, toward the person's supervisor, and the matter then brought as required to higher levels in the same manner as prescribed for "Matters Regarding a Professional Staff Member."

Matters Regarding District Services or Operations

If the request, suggestion, complaint, or grievance relates to a matter of District procedure or operation, it should be addressed, initially, to the program supervisor and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

Matters Regarding the Educational Program

If the request, suggestion, complaint, or grievance relates to a matter of District program, it should be addressed, initially, to the building principal and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding a Professional Staff Member."

Matters Regarding Instructional Materials

The Superintendent shall prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their right to inspect instructional materials and the procedure for completing such an inspection. (see AG 9130A and Form 9130F3)

If the request, suggestion, complaint, or grievance relates to instructional materials such as textbooks, library books, reference works, and other instructional aids used in the District, the following procedure shall be followed:

A. The criticism is to be addressed to the building principal, in writing, and shall include:

1. author;

2. title;

3. publisher;

4. the complainant's familiarity with the material objected to;

5. sections objected to, by page and item;

6. reasons for objection.

B. Upon receipt of the information, the principal may, after advising the Superintendent of the complaint, and upon the Superintendent's approval, appoint a review committee which may consist of:

1. one (1) or more professional staff members;

2. one (1) or more Board members;

3. one (1) or more lay persons knowledgeable in the area.

C. The Superintendent shall be an ex officio member of the committee.

D. The committee, in evaluating the questioned material, shall be guided by the following criteria:

1. the appropriateness of the material for the age and maturity level of the students with whom it is being used

2. the accuracy of the material

3. the objectivity of the material

4. the use being made of the material

E. The material in question may be withdrawn from use pending the committee's recommendation to the Superintendent.

F. The committee's recommendation shall be reported to the Superintendent in writing within sixty (60) business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.

G. The complainant may appeal this decision, within thirty (30) business days, to the Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.

H. The Board shall review the case and advise the complainant, in writing, of its decision within ten (10) business days.

No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

po9150

SCHOOL VISITORS

9150 - **SCHOOL VISITORS**

The Board of Education welcomes and encourages visits to a school by parents, other adult residents of the community, and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to establish visitor guidelines.

The Superintendent or Principal has the authority to prohibit the entry of any person to a school of this District or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the Principal is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

Individuals who are registered sex offenders and wish to participate in school activities may be allowed on campus. Conditions may be imposed by the Superintendent on the individual's campus visit(s) governing the terms and conditions of the visit. These conditions may include, but are not limited to, the need to receive prior permission before entering campus, required check-in, an approved escort in the building or at an event, and time or location limitations while on campus.

Nonstaff access to students and classes must be limited and only in accordance with a schedule that has been determined by the Principal after consultation with the teacher whose classroom is being visited. Classroom visitations must be nonobtrusive to the educative process and learning environment and should not occur on an excessive basis.

Parent concerns about any aspect of their child's educational program should be presented through the procedure set forth in Board Policy 9130 - Public Complaints, a copy of which is available at the Board office and at each school.

Except as set forth in District policy, canines brought on the premises by law enforcement personnel for law enforcement purposes, or in the case of "service animals" required for use by a person with a disability, no other animals may be on school premises at any time.

The Superintendent shall promulgate such administrative guidelines as are necessary to protect students and employees from disruption to the educational program or the efficient conduct of their assigned tasks.

Rules regarding entry of persons, other than students, staff, and faculty, upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances and at the main entrance to each school building.

If, during a visit to a school or program, a Board member observes a situation or condition which causes concern, the Board member should discuss the situation first with the Principal as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the Board.

If the Board member believes the situation or condition serious enough, the Board member may wish to also inform the Superintendent.

Revised 5/9/11

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po9160

PUBLIC ATTENDANCE AT SCHOOL EVENTS

9160 - **PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The Board of Education welcomes the attendance of members of the community at athletic and other public events held by the schools in the District, but the Board also acknowledges its duty to maintain order and preserve the facilities of the District during the conduct of such events. The Board retains the right to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators are expected to call law enforcement officials if a person violates posted regulations or does not leave school property when reasonably requested. In accordance with Board Policy 7440 and AG 7440B, administrators may use metal detectors and other devices to protect the safety and well-being of participants and visitors.

The Board directs that no alcoholic beverage, tobacco, or other controlled substance be possessed, consumed, or distributed nor any betting occur at any function sponsored by the District or at any function occurring on District premises.

Raffles and similar forms of fund-raising by District-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - District Support Organizations and Policy 9700 - Relations with Special Interest Groups.

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.

If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

Individuals with disabilities shall have an equal opportunity to purchase tickets for events that have been sanctioned or approved by the Board in accordance with the provisions of the Americans with Disabilities Act, as amended.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go. (See also Policy 8390)

Smoking and/or the use of tobacco products and/or tobacco substitute products is prohibited at any time within any enclosed facility owned, leased, or contracted for by the Board and in areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, or tobacco substitutes, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco or nicotine (including synthetic nicotine) in addition to papers used to roll cigarettes, and/or smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, and any other smoking devices for burning tobacco or any other substances (see Policy 7434).

Such prohibition also applies to:

A. school grounds;

B. any school-related event;

The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, a recording can be made if the appropriate license authorizing such recordings has been secured in advance by the District. If the performance is of copyrighted material and the necessary license has not been secured in advance by the District, the audience shall be advised before the performance begins that audio and/or video recordings that will be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of nondistrict audio/visual recording equipment at any District-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

Any person or organization seeking to film students or a school activity which is not a public event shall obtain prior permission from the Superintendent.

The Superintendent shall ensure that all notices, signs, schedules, and other communications about school events contain the following statement:

"Upon request to the Superintendent, the District shall make reasonable accommodation for a disabled person to be able to participate in this activity."

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Revised 5/9/11
Revised 12/12/11
Revised 1/13/14

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po9190

CHARGES FOR INDUSTRIAL/TECHNICAL PROJECTS

9190 - **CHARGES FOR INDUSTRIAL/TECHNICAL PROJECTS**

It is the policy of the Board of Education to approve school sponsorship of functional occupational projects as part of the shop instruction related to the occupations being taught by the District school(s).

Functional projects may be accepted by the teacher with the approval of the building principal.

Careful consideration shall be given to each project to ensure that the service rendered is not being exploited and that the project is of educational benefit to the students.

Patrons shall be charged only for the actual cost of materials used in completing instructional projects.

po9210

PARENT ORGANIZATIONS

9210 - **PARENT ORGANIZATIONS**

The Board of Education supports all organizations of parents whose objectives are to promote the educational experiences of District students. However, in using the name of the District or its schools and in organizing a group whose identity derives from a school(s) of this District, the parental organization thereby shares responsibility with this Board for the welfare of participating students.

Any new parent organization desiring to use the name or good offices of the District must obtain the approval of the Board as a prerequisite to organizing.

Representatives and members of approved school-related organizations shall in all circumstances be treated by District employees as interested friends of the schools and as supporters of public education in the School District.

Staff members are encouraged to join such organization(s) in their related area(s) of specialization or interest.

The Board relies upon approved organizations to operate in a manner consistent with public expectations for the schools and reserves the right to withdraw sponsorship from organizations which violate the bounds of community taste.

po9211

DISTRICT SUPPORT ORGANIZATIONS

9211 - **DISTRICT SUPPORT ORGANIZATIONS**

The Board of Education appreciates the efforts of all organizations whose objectives are to enhance the educational experiences of District students, to help meet educational needs of students, and/or provide extra educational benefits not provided for, at the time, by the Board.

District support organizations are defined as any non-profit entity, group, or other organization formed and operating for the purpose of supporting District programs and approved by the Board. These programs may be educational to parents and/or children.

The District name shall not be used to promote the interests of any school support organization without the approval of the Board.

The Board recognizes that parent-teacher organizations and other school-related community organizations are channels through which school personnel, parents, and other citizens may discuss educational concerns, problems and needs and work together toward solutions.

Each District support organization shall work within the appropriate school setting and in cooperation with the principal and other staff members.

District support organizations shall allow participation by parents, District staff, and members of the community. All meetings should be communicated to the school and

be open to the public. District support organizations shall not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively "protected classes"). Further, persons shall not be excluded from participation in outside support organizations based upon the extent or level of their past participation.

The following rules and procedures shall govern the working relationships between the Board, administration, and any District support organization:

A. The activities of the District support organizations shall not involve the use of public funds and the District shall not assume responsibility for any purchases made on behalf of any support organization governed by this policy. The School District tax identification number shall not be used for District support organization purchases.

B. Each District support organization must abide by the policies and guidelines established for the use of District facilities and grounds. Projects that require any modification or alteration to District property must be pre-approved by the Superintendent.

C. The Board permits two (2) fund-raisers per week per school that involve the sale of food items and/or beverages that are not compliant with the current *USDA Dietary Guidelines for Americans* and the *USDA Smart Snacks in Schools* regulations for consumption on campus during the school day by students.

Other than approved non-compliant fundraisers, the food and/or beverages items to be sold for any other fund-raisers by student clubs and organizations, parent groups, or booster clubs and consumed on campus, shall comply with the current *USDA Dietary Guidelines for Americans*, and the *USDA Smart Snacks in*

Schools nutrition standards, and also must be consistent with requirements set forth in Policy 8500 – Food Services.

If approved, fund-raisers that involve the sale of food items or beverages to students on campus must be consistent with regulations established in Policy 8500, Food Services, pertaining to the sale of foods and beverages during food-service hours, whether those food items and beverages are compliant with, or an exception to, the current *USDA Dietary Guidelines for Americans* and the *USDA Smart Snacks in Schools* nutrition standards.

D. Proceeds from District support organization fund-raisers shall not be commingled with a student activity or other Board accounts. Board employees who commingle such proceeds with a student activity or other Board account shall be subject to discipline.

E. The Superintendent will work with staff to develop administrative guidelines that require each District support organization's fund-raising activities be in compliance with Board policies and that the funds generated by such fund-raising activities and donated to the District are used for school-related projects that have the approval of the Superintendent and principal.

F. District support organizations are encouraged to obtain 501(c)(3) status so that community members may properly take tax deductions for donations to the organization.

G. The organization shall ensure that the Board receives an annual accounting of each group's receipts and expenditures.

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po9250

RELATIONS WITH PARENTS

9250 - **RELATIONS WITH PARENTS**

The Board of Education believes that the education of children is a joint responsibility, one it shares with the parents of the school community. To ensure that the best interests of the child are served in this process, a strong program of communication between home and school must be maintained.

The parents have the right to participate in the education of their children as well as the ultimate responsibility for their children's in- school behavior, including the behavior of students who have reached the legal age of majority, but are still, for all practical purposes, under parental authority.

In accordance with Board policies and Policy 2240 Opt-Out, Policy 2413 and or Policy 2414 Health/Sex Education, and Policy 9150 School Visitors, the District shall provide the opportunity for parents to review curriculum and instructional materials and to visit the school to observe the instructional process.

With regard to student behavior, during school hours, the Board, through its designated administrators, acts in loco parentis or in place of the parents.

The Board recommends that the following activities be implemented to encourage parent-school cooperation:

A. parent-teacher conferences to permit two-way communication between home and school

B. meetings of staff members and groups of parents of those students having special abilities, disabilities, needs, or problems

C. open houses in District schools to provide parents with the opportunity to see the school facilities, meet the faculty, and sample the program on a first hand basis

Each school in the District shall hold an open house at least annually.

For the benefit of children, the Board believes that parents have a responsibility to encourage their child's career in school by:

A. supporting the schools in requiring that the children observe all school rules and regulations, and by accepting their own responsibility for children's willful in-school behavior;

B. sending children to school with proper attention to their health, personal cleanliness, and dress;

C. maintaining an active interest in the student's daily work and making it possible for the student to complete assigned homework by providing a quiet place and suitable conditions for study;

D. reading all communications from the school, signing, and returning them promptly when required;

E. cooperating with the school in attending conferences set up for the exchange of information of the child's progress in school.

po9270

EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS (HOME SCHOOLING)

9270 - **EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS (HOME SCHOOLING)**

The Board of Education encourages the enrollment of all school-age children resident in this District in public schools or in State- approved, nonpublic schools so that they may enjoy the benefits of a well-planned, educational program and the socialization possible in a group environment. The Board acknowledges, however, the right of parents to home school within the District, as established by State law.

The Board shall not allow a student who is being educated at home or at a nondistrict school that has not met the reporting requirements of the State to participate in any of the Distrtict's curricular, co-curricular, or extra-curricular activities. However, if the school has met the reporting requirements and the student is enrolled in the District on a part-time basis in noncore classes, s/he may also participate in noncore co-curricular or extra-curricular activities that are directly related to those noncore classes. It is not the purpose of this policy, however, to provide services to nondistrict students beyond the requirements of the law.

The Superintendent shall develop administrative guidelines for implementing this policy.

po9500

RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS

9500 - **RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS**

It is the policy of the Board of Education that strong lines of communication be maintained by the District with other districts and with institutions and organizations which provide District students with programs, training, or services not available in the District.

The Superintendent may enter into such cooperative ventures with institutions or organization for the purpose of providing programs which correlate to the District's curriculum and help students better accomplish the educational outcomes established by the Board. The District shall cooperate with the Intermediate School District in the study of opportunities to share services with other school districts and the Intermediate School District.

Before entering into any agreements, the Superintendent shall keep the Board advised of any arrangements that would affect the use of District resources or require any additional resources of the District.

In order to maintain cordial and constructive relationships with private and parochial schools, the Superintendent shall maintain liaison with the administration of all such schools that enroll significant numbers of students resident in this School District in order to be aware of any program changes that may be planned that could affect this District; and to cooperate fully in the implementation of all State and Federal programs administered by this District that benefit, in whole or in part, eligible students attending private or parochial school.

po9555

PARTNERSHIPS WITH BUSINESS

9555 - **PARTNERSHIPS WITH BUSINESS**

The Board of Education is well aware of the role that education will play in increasing the nation's productivity and future well-being. To ensure success requires the combining of talent and resources within the region between business and education. It also recognizes that schools of the District need to operate as an integral part of the economic community if students are to receive the type of education and training they will need to function effectively in the twenty-first century.

The Board will seek to establish not only partnerships between the District and individual companies but also, if possible, consortia involving several companies and/or school districts. The purpose will be to seek opportunities for students and staff to share in new strategies and technologies being created in the business world and offer, in exchange, the knowledge and skill of District personnel in creating more effective continuing education for employees and members of the community. Properly planned and implemented, such partnerships or consortia could have significant impact on the nature and content of the curriculum as well as on the manner in which students are taught to learn.

The Superintendent is authorized to actively seek such partnerships.

po9700

RELATIONS WITH SPECIAL INTEREST GROUPS

9700 - **RELATIONS WITH SPECIAL INTEREST GROUPS**

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests without advancing the special interests of any particular group.

It is the policy of the Board of Education that students, staff members, and District facilities not be used for advertising or promoting the interests of any nonschool agency or organization, public or private, without the approval of the Board or its delegated representative; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

A. **Political Interests**

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the Superintendent or principal on the basis of their educational contribution to part or all of the school program and benefit to students, and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.

The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political messages or are designed to persuade students or staff

members to acquire a particular product or service offered by a named individual, company, organization, association, or agency. Professional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.

School facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertise or promote a political party, a political cause, or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds.

B. **Distribution/Posting of Literature**

No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on District property either during or after school hours without the permission and prior review of the principal and/or Superintendent.

The Superintendent shall establish administrative guidelines which ensure that:

1. criteria established in Policy 5722 - Student Publications and Productions - are used to make a decision regarding materials that students seek to post or distribute;

2. distribution or posting of materials employees wish to distribute on behalf of an employee organization comply with the terms of negotiated, collectively-bargained agreements;

3. the school mail system is not used by students or staff for distribution of nonschool-related materials;

4. no materials from any profit-making organization are distributed for students to take home to their parents unless authorized by the Superintendent;

5. the time, place, and manner of distribution of all nonschool- related materials is clearly established and communicated.

C. **Solicitation of Funds**

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the Superintendent.

Permission to solicit funds will be granted only to those organizations, individuals, or staff members who meet the permission criteria established in the District's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830, no District student may participate in the solicitation without the Superintendent's approval.

The Board disclaims all responsibility for the protection of, or accounting for, such funds.

Solicited funds are not to be deposited in any regular or special accounts of the District.

A copy of this policy as well as the relevant administrative guidelines shall be given to any individual granted permission to solicit funds on District property.

This policy does not apply to the raising of funds for District-sponsored or school-sponsored activities.

Use of the name, logo, or any assets of the District, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the Superintendent.

D. **Prizes/Scholarships**

The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this District. But, in accepting the offer of such scholarships or prizes, the Board directs that these guidelines be observed:

1. No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.

2. The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the Superintendent.

3. The principal, together with a committee of staff members designated by the principal, may be involved in the selection of the recipient and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.

E. **Surveys and Questionnaires**

Neither District-related nor nondistrict-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone numbers, except as may be required by law. In addition, the District shall not enter into any contract for products or services, including electronic media services, where personal information will be collected from the students by the providers of the services.

See also Policy 2416 and AG 2416

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po9700.01

ADVERTISING AND COMMERCIAL ACTIVITIES

9700.01 - **ADVERTISING AND COMMERCIAL ACTIVITIES**

The purpose of this policy is to provide guidelines for the appropriate and inappropriate use of advertising or promoting of commercial products or services to students and parents in the schools.

"Advertising" comes in many different categories and forums and is defined as an oral, written, or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public's attention to arouse a desire to buy, use, or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos, or tags for product or service identification purposes are not considered advertising.

The Board of Education may permit advertising in School District facilities or on School District property in the following categories or forums in accordance with the guidelines set forth herein:

A. **Product Sales:**

1. product sales benefiting a district, school, or student activity (e.g., the sale of beverages or food within schools);

2. exclusive agreements between the District and businesses that provide the businesses with the exclusive right to sell or promote their products

or services in the schools (e.g. pouring rights contracts with soda companies);

3. fundraising activities (e.g., short-term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club, or activity where the school receives a share of the profits.

B. **Direct Advertising/Appropriation of Space:**

1. signage and billboards in schools and school facilities;

2. corporate logos or brand names on school equipment (e.g., marquees, message boards, or score boards);

3. ads, corporate logos, or brand names on book covers, student assignment books, or posters;

4. ads in school publications (newspapers, yearbooks, and event programs);

5. media-based electronic advertising (e.g., Channel One or Internet or web-based sponsorship);

6. free samples (e.g., of food or personal hygiene products).

C. **Indirect Advertising:**

1. corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants, or gifts;

2. the Board approves the use of instructional materials developed by commercial organizations, such as films and videos, only if the education value of the materials outweighs their commercial nature.

The films or materials shall be carefully evaluated by the school principal for classroom use to determine whether the films or materials contain undesirable propaganda and are in compliance with the guidelines as set forth above.

It is further the policy of the Board that its name, students, staff members and District facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit or other non-school agency or organization, public or private, without the approval of the Board or its designee.

Any commercial advertising shall be structured in accordance with the General Advertising Guidelines set forth below.

General Advertising Guidelines

The following guidelines shall be followed with respect to any form of advertising on school grounds or school property, including the District's website:

A. When working together, schools and businesses must protect educational values. All commercial or corporate involvement should be consistent with the

District's educational standards and goals.

B. Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Board.

C. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.

D. No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic, or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.

E. No advertisement shall promote any specific religion or religious, ethnic, or racial group, political candidate or ballot issue, and shall be non-proselytizing.

F. No advertisement may contain libelous material.

G. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.

H. No advertisement shall be false, misleading, or deceptive.

I. To the extent feasible, each advertisement must be reviewed in advance for age appropriateness.

J. Advertisements may be rejected by the School District if determined to be inconsistent with the educational objectives of the School District, inappropriate, or inconsistent with the guidelines set forth in this policy.

K. All corporate support or activity must be consistent with the Board's policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and must be age-appropriate.

L. Students shall not be required to advertise a product, service, company or industry.

M. Advertising will not be permitted on the outside or the inside of school buses.

N. The Superintendent or designee is responsible for screening all advertising unless it is not feasible to do so, and the advertising is linked to a contract approved by the Board that expressly requires the vendor who is selecting and running the advertisement(s) to comply with these General Advertising Guidelines.

O. The Superintendent or designee may require that samples of advertising be made available for inspection.

P. The inclusion of advertisements in School District publications, in School District facilities, or on School District property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.

Q. Final discretion regarding whether to advertise and the content and value of the materials will be with the Board.

Accounting

Advertising revenues must be properly reported and accounted for.

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po9800

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

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

The Board of Education recognizes the service provided to the country and the individual sacrifices made by veterans of World War II, the Korean Conflict, and the Vietnam Era.

Since many of these veterans left high school in order to fight for their country, the Board wishes to recognize their efforts by awarding a high school diploma to qualified military veterans in accordance with Public Act 181 of 2001, Public Act 203 of 2003, and Public Act 55 of 2014.

The Board authorizes the Superintendent to accept applications and documentation on the forms provided by the Department of Military and Veteran Affairs, Veterans Affairs Directorate. The Board will satisfy itself that the intent of the law has been met and the Board may then authorize the awarding of the high school diploma.

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