



**ROCHESTER**  
**COMMUNITY SCHOOLS**  
· PRIDE IN EXCELLENCE

# **ROCHESTER COMMUNITY SCHOOLS**

## **ADMINISTRATIVE REGULATIONS**



### **Miller Johnson School Policy Services**

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## **2000- AR**

## **CURRICULUM**

The 2000 series of Board Policies requires or permits the Superintendent, or designee, to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on March 1, 2017 and posted them on the district's website. All School District personnel and students are required to follow these administrative regulations.

### **2101-AR Curriculum Development and Implementation**

#### **2101.1-AR School District Curriculum**

The School District's curriculum is the Michigan Academic Standards.

#### **2101.2-AR Implementing the School District's Curriculum**

The principal of each building will be responsible for implementing the District's curriculum at that building. The principal may delegate duties related to the implementation of the District's curriculum, but remains accountable to the Board and the Superintendent for curriculum implementation. Every teacher will be responsible for implementing the School District's curriculum and utilizing the resources provided by the District in his/her classroom.

#### **2101.3-AR Courses and New Courses**

The School District's Executive Director of Secondary Curriculum will be responsible for creating the courses necessary to implement the School District's curriculum at the secondary level. Teachers and administrators are encouraged to share their ideas for modifying courses or creating new courses to implement the School District's curriculum. Such ideas should be forwarded to the appropriate School District administrator. Parents and community members who wish to share ideas for modifying courses or creating new courses may do likewise.

#### **2101.4-AR Disabled Students**

The School District's Executive Director of Special Education is responsible for implementing the federal and Michigan laws that apply to the education of eligible disabled students enrolled in the District, such as the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 and Michigan's Administrative Rules for Special Education. The Executive Director of Special Education may delegate duties related to implementing these laws, but remains accountable to the Board and the Superintendent for implementation.

#### **2101.5-AR Credit**

##### **2101.51-AR Generally**

A student earns credit toward a Michigan Merit Diploma when he/she successfully completes the subject area content expectations or guidelines developed by the Michigan Department of Education (MDE) that apply to the credit. The Superintendent and building principals are responsible for informing teachers of MDE expectations and guidelines. Teachers are responsible for informing students of content expectations and guidelines. Teachers are also responsible for determining whether a student has successfully completed content expectations or guidelines. The teacher's determination will be based, at least in part,

on one or more assessments developed or selected by MDE or the District. In the absence of MDE content expectations or guidelines, the Superintendent or designee will develop content expectations or guidelines for classes offered by the District.

#### **2101.52-AR     Testing Out**

A student may earn credit toward a Michigan Merit Diploma (MMD) by testing out of a class. The District will permit a student to earn credit by testing out of a class if the student demonstrates reasonable mastery of the class's MDE content expectations or guidelines by earning a qualifying score, as determined by MDE, on one or more assessments developed or selected by MDE. In the absence of a relevant MDE assessment, a student may test out of a class by earning a qualifying score, as determined by the District, on an assessment or assessments developed or selected by the District. Separately, the District will grant credit to any high school student who can exhibit reasonable level mastery of a high school class. The student may demonstrate reasonable level mastery by attaining a grade not less than a C+ on the final examination for the class or, if there is no final examination, by exhibiting mastery through one or more assessments developed or selected by MDE or the District. A student who earns credit pursuant to the preceding sentence will receive a "pass" grade that will not be included in the calculation of his/her grade point average for any purpose. Additionally, the student may not, thereafter, enroll in or receive credit for a course lower in the course sequence concerning the same subject area.

#### **2101.6-AR     Graduation and Diploma Requirements**

##### **2101.61-AR     Michigan Merit Diploma (MMD)**

The School District will grant a MMD to a student who has satisfied the requirements of the Michigan Merit Curriculum (MMC). The Superintendent may establish graduation requirements in addition to those set forth in the MMC.

##### **2101.62-AR     District Specific Graduation Requirements**

The School District will not grant a MMD to any student who has not taken all legally required and District-wide assessments.

##### **2101.63-AR     Personal Curriculum**

A Personal Curriculum (PC) may modify MMC requirements in order to: add credit requirements; complete an MDE-approved formal career and technical education program; modify content standards for mathematics; modify, when necessary, credit requirements for a student with an IEP; or, modify credit requirements for a student who transfers from out-of-state or from a nonpublic school and is unable to meet MMC requirements for that reason. A PC must be prepared in compliance with all applicable legal requirements and may not be implemented without the Superintendent's or designee's approval, which will be based on his/her assessment of the Student's best interests. The Superintendent or designee will post on the School District's web site and provide annual notice to parents explaining the availability of PCs and that students may be eligible for a PC.

##### **2101.64-AR     Certificate of Completion**

The School District will award a certificate of completion or other diploma to a student who does not qualify for a MMD, upon the recommendation of the Superintendent.

##### **2101.7-AR     Field Trips**

### **2101.71-AR School District Sponsored Field Trips**

The School District may, from time-to-time, sponsor field trips as one method of implementing the School District's curriculum. Proposed field trips must be approved by the building principal and the Assistant Superintendent for Curriculum and Instruction. Guidelines, forms, and timelines must be adhered to for all field trips, extended field trips, and extended international field trips.

The School District may, or may not, ask parents or other responsible adults to serve as field trip chaperones. The School District may require adult chaperones to complete background checks as deemed appropriate by the School District. Adult chaperones may not engage in illegal activities or drink alcoholic beverages on School District sponsored field trips.

Students who participate in School District sponsored field trips are subject the same rules as when they are in school, including the District's Student Code of Conduct.

### **2101.72-AR Travel with School District Students**

School District personnel are discouraged from travelling with School District students except on School District sponsored field trips. School District personnel who choose to travel with students on trips that are not sponsored by the School District may not, in any manner, suggest such travel is required, encouraged or sponsored by the School District.

### **2101.8-AR Public Performances and Exhibitions**

The School District may, from time-to-time, schedule public performances and exhibitions as one method of implementing the School District's curriculum. Proposed public performances and exhibitions, including any charges for admission, must be approved by the building principal and the District administrator responsible for creating courses to implement the District's curriculum at the level in question (elementary or secondary). The School District will not approve public performances or exhibitions that, in the School District's pedagogical judgment, are not appropriate for the students involved or potential student audiences.

### **2101.9-AR Patriotic Observances**

The School District encourages the display of the national and state flags on School District premises and School District-related events. The display of flags will be according to applicable law. Flags may not be lowered except in a manner consistent with applicable law and the approval of the Superintendent. The School District also encourages the singing of the National Anthem and the recitation of the Pledge of Allegiance on School District premises and before School District related events.

## **2102-AR Parental and Family Engagement**

### **2102.1-AR Parental and Family Engagement (*Revised 7.17.18*)**

Parental and family engagement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring: that parents and family play an integral role in assisting their child's learning; that parents and family are encouraged to be actively involved in their child's education at school; that parents and family are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child; and, the carrying out of other related activities. The School District's Assistant Superintendent for Curriculum and Instruction is designated with the

responsibility to meet these commitments by: developing a School-Parent Compact, consistent with the Every Student Succeeds Act (ESSA); scheduling meetings with interested parents, at least semi-annually, to jointly develop, review and modify the School-Parent Compact; communicating with parents in an understandable format, through the School District's web site and other media, with alternative formats available upon request for parents with limited English proficiency and parents with disabilities; and, circulating drafts of the School-Parent Compact prior to final adoption.

**School Review and Improvement** The School District's Assistant Superintendent for Curriculum and Instruction is responsible for scheduling and conducting local improvement plan meetings required by the ESSA and Title I for the purpose of determining the assistance and support that will be offered to schools to develop parent and family engagement that improves their children's academic achievement. Participating parents will be provided with interpreters or translators during the meeting, as necessary, to permit meaningful participation. Parents will be encouraged to provide comments about School District and school practices. Parent comments will be submitted with the Compact to MDE for review. Parents will be involved in decisions on how the 1% of Title I funds reserved for parental and family engagement is spent. The School District will ensure that 95% of the 1% goes directly to the schools.

**Improving Student Academic Achievement and School Performance**. Building principals are designated as the primary contact person to receive parental input and to provide building staff with assistance in implementing suggested improvement activities and processes.

**Program Supports**. Building principals will promptly report to the School District's Assistant Superintendent for Curriculum and Instruction all parental input received pursuant to this administrative procedure. The Assistant Superintendent for Curriculum and Instruction will coordinate the support offered to individual schools and utilize effective communication strategies, particularly for parents and families from diverse cultural, socio-economic and language backgrounds.

**Parent and Family Support and Training**. The School District's Assistant Superintendent for Instruction and Curriculum will coordinate the assistance the School District provides to parents and family members to assist their meaningful engagement in their children's educations. The School District's Assistant Superintendent for Curriculum and Instruction will coordinate periodic parent and family member meetings to discuss: the School District's academic content standards; the School District's standard assessments and achievement standards; the manner in which the School District monitors student academic performance; and, parent and family communication with teachers and other building-level personnel. Specially focused support will be offered for parents and family members of pre-school aged children, recognizing the importance of early intervention and the needs of this population. The School District's Assistant Superintendent for Curriculum and Instruction will also coordinate the School District's provision of materials and training to assist parents and family members in understanding areas such as literacy and technology and provide parents and family members with grade-level materials and training to help them support their children's learning at home.

**School District Staff Supports and Training**. The School District's Assistant Superintendent for Curriculum and Instruction will coordinate meetings for designated staff members to assist them in encouraging parents and family members to engage in meaningful participation, including: reaching out and communicating with parents and family members; understanding the importance of parental and family engagement; how to implement and coordinate parent and family programs; and, how to work with parents and family members as partners.

**Coordination of School District and Community Programs**. The School District will make reasonable efforts to coordinate its programs with any similar programs in the School District's geographic boundaries.

**Evaluation of School District Programs**. The School District's Assistant Superintendent, for Curriculum and Instruction will coordinate an annual evaluation of the School District's implementation of its programs, with parental and family participation. The evaluation will include the identification of any obstacles to parental and family engagement and the effectiveness of the School District's parental and family member policy and administrative regulations in improving academic quality. Revisions to the School District's parental and family member policy and administrative regulations will be made, as needed, with the involvement of parents and family members.

## **2104-AR      Textbooks and Other Instructional Materials**

### **2104.1-AR      Supplies for Students**

The School District will meet its legal obligation to provide students with instructional supplies. The principal of each building is primarily responsible for providing textbooks and other instructional supplies and materials necessary to meet this obligation. Students and families will not be charged for textbooks, instructional materials, supplies or for participation in District-related activities and events except as permitted by guidance issued by the State of Michigan Board of Education and approved by the District's Superintendent. The building principal may waive otherwise applicable charges based on financial need on a case-by-case basis.

### **2104.2-AR      Supplies for Administrators and Teachers**

The School District will provide its administrators and teachers with the supplies, materials and equipment necessary to implement the School District's curriculum and courses.

### **2104.3-AR      Selection of Textbooks, Materials, Supplies and Equipment**

The District will provide its administrators and teachers with the supplies, materials and equipment necessary to implement the District's curriculum and courses.

### **2104.4-AR      Selection of Textbooks, Materials, Supplies and Equipment**

The Superintendent delegates to the District's Assistant Superintendent for Curriculum and Instruction the responsibility for recommending the selection of textbooks, materials, supplies and equipment necessary to implement the District's curriculum and courses. The District's Assistant Superintendent for Curriculum and Instruction may establish a standing or ad hoc committee to assist in developing such recommendations. Generally, but without limitation, recommended textbooks, materials, supplies and equipment should meet the following criteria: consistency with the District's curriculum and courses; factual accuracy and genuine literary or artistic value; quality consistent with their intended uses and expected longevity; promotion of critical thinking through, among other things, the contrast of pedagogically reasonable opposing views; suitability to the interests and abilities of the District's students; and, acknowledging the contributions of the country's various religious, racial, cultural and ethnic groups.

## **2106-AR      Parental Objections**

### **2106.1 AR      Parental Objections**

A parent who objects to a textbook or other educational materials used by the School District may present a written complaint to the Superintendent identifying the textbook or other educational materials and the basis of the parent's objection. The Superintendent will refer the written complaint to the School District's

Executive Director of Elementary Education or Executive Director of Secondary Education. The Executive Director to whom the complaint is referred will review the complaint and, if necessary, will meet with the parent to develop an understanding of the parent's complaint. The Executive Director will then prepare a written response for the Superintendent's consideration. The written response will include, but not necessarily be limited to, an analysis of the manner in which the textbook or other education materials in question do or do not meet the standards set forth in the District's policies and administrative regulations.

The Superintendent will review the written response and issue a final decision affirming, modifying or reversing the written response. The Superintendent will share the written complaint, the written response and the final decision with the Board of Education.

A textbook or other educational materials subject to such complaint will remain in use pending the Superintendent's final decision.

## **2109-AR English Learners**

### **2109.1 AR English Learners**

The School District will accurately and timely identify English Learners proficient (EL) students when they enroll in the School District by conducting a home language survey and, if indicated by the survey, testing the student's English language proficiency in speaking, listening, reading and writing. The School District will provide identified EL students with appropriate language assistance services to become proficient in English and to participate equally in the School District's curriculum within a reasonable period of time. EL students may not be segregated on the basis of national origin or EL status, although certain programs may require EL students to receive separate instruction for part of the day. Regardless, the School District's EL program will be carried out in the least segregated manner consistent with achievement of its goals. EL students will have an equal opportunity to participate in all School District academic and extracurricular programs.

The School District will monitor the progress of EL students by administering an English language proficiency assessment on an annual basis. An EL student will not be exited from the EL program until he or she demonstrates English language proficiency on the assessment. The School District will continue to monitor exited EL students for four years to ensure they are meaningfully participating in the School District's educational programs.

The School District will ensure the parents of EL students receive meaningful communication in a language they understand through translated materials or an interpreter, if necessary. Parents may opt-out their children from the School District's EL program. Written documentation of the parents' opt-out decision will be maintained by the School District. If an opted-out student continues to struggle, the School District will monitor his/her progress and offer to resume EL services.

**Effective: March 1, 2017**

## **3000-AR**

## **Human Resources**

Consistent with School District policy, it is the goal of these regulations to ensure that the School District employs and retains those persons of the highest quality, character and credentials who have the skills and other qualifications necessary to implement Board policies and the District's curriculum and programs.

### **3101-AR**

### **Organization of Administration**

#### **3101.1-AR      Organization of Administration**

The Superintendent shall determine the overall structure and staffing level of the School District's administration with review and approval by the Board of Education.

### **3200-AR      Terms and Conditions Applicable to All Personnel**

#### **3201      Responsibility to District Students**

##### **3201.1-AR      Recruiting**

All job postings will be published online. Job postings will provide a description of the job, necessary qualifications of the job, and the time period and methodology for submitting an application for the job. Job postings will be available on the School District website and the Oakland Human Resources Consortium website. If a collective bargaining agreement or employment contract requires notice of posting, the School District must act accordingly. Otherwise, the posting of the position on the School District's website shall provide notice.

The School District may choose to use an outside agency or other methods to recruit employees. This will be done when believed to be necessary at the discretion of the superintendent, or the Board of Education in the case of the hiring a new superintendent.

##### **3201.2-AR      Applications**

All job postings and application materials will be posted online and submitted as described in the applicable job posting.

##### **3201.3-AR      Job Descriptions**

The human resources office must maintain updated job descriptions for each classification of employment within the School District. Job descriptions should include a list of essential job functions; required and/or preferred skills; academic and experience credentials; and if applicable, required pre-employment position testing.

##### **3201.4-AR      Hiring and Recommendations for Hiring**

Hiring decisions regarding teachers and administrators are made by the Board of Education at the recommendation of the Superintendent or his/her designee. The Superintendent or his/her designee is authorized to make hiring decisions related to all other employees. Recommendations or decision to hire will be made only after the criminal history and background check required by law has been completed. When determined to be necessary by the Superintendent, an applicant may begin working, under conditional status, pending approval by the Board of Education.



### **3201.5-AR      Employment Contracts and Collective Bargaining Agreements**

The wages, terms, and working conditions of all employees will be set forth within a collective bargaining agreement, an individual employment contract or through applicable employee guidelines/manuals.

If the employee is part of a collective bargaining unit, the applicable collective bargaining agreement will be deemed sufficient and an individual contract is not necessary unless otherwise required by law. All individuals not in a collective bargaining agreement will have an individual employment contract that sets out their terms of employment. Individual contracts shall not be for a term greater than three years.

All probationary teachers shall be provided individual contracts on a yearly basis in conjunction with the terms of District policy and the applicable collective bargaining agreement. When a teacher has attained tenure status with the School District, that teacher will be provided a continuing contract that incorporates the terms set forth in District policy and the applicable collective bargaining agreement. The continuing contract will only apply to that individual so long as he/she remains "certificated" as that term is used within the Teachers' Tenure Act and remains employed in a role requiring teacher certification by Michigan law or regulation.

The Superintendent, or his/her designee(s), is authorized to negotiate employment contracts or collective bargaining agreements on behalf of the School District consistent with terms and expectations set forth by the Board of Education. Employment contracts or collective bargaining agreements are not fully binding unless and until they are approved by the Board of Education.

### **3201.6-AR      Conditions of Employment**

The basic terms and conditions of employment for each individual employed by the School District shall generally be set out by their employment contract, manual or relevant collective bargaining agreement. These regulations are meant to supplement those specified conditions and should not be read to conflict with terms and conditions set forth in a relevant contract. If a term or condition is not addressed by contract or these regulations, it would be applicable to the sole discretion and decision-making of the Superintendent with approval by the Board of Education where necessary.

## **3203-AR      Illegal Discrimination and Harassment**

### **3203.1-AR      Illegal Discrimination and Harassment**

The Board of Education has adopted a Discrimination and Harassment policy, which prohibits illegal harassment and other forms of illegal discrimination within the District. The Board of Education's policy prohibits illegal harassment and discrimination by, among others, board members, school district employees and students.

Any employee who believes that s/he has been the victim of illegal discrimination or harassment may seek resolution of his/her complaint through the procedure set forth in Administrative Regulation 10003.1.

### **3205.1-AR      Criminal Background Checks (New 11.30.2018)**

**Criminal Background Checks** The School District will have the Michigan State Police (MSP) obtain criminal history record information (CHRI) from both the state and the Federal Bureau of Investigation (FBI) for all individuals listed in Board Policy 4002 (Criminal Background Checks) and MCL 380.1230(1) and (2) of the Revised School Code. Employees who fail to comply with this regulation and related policy will be subject to discipline, upon review and approval by the Superintendent. The School District agrees to enter into any agreements as required by the MSP necessary to access CHRI information and maintain the School District's legal obligation to perform such checks.

**Local Agency Security Officer (LASO).** The School District will appoint the Chief Human Resource Officer as its LASO. The LASO will be designated on the appropriate form as provided by MSP and the School District will submit an updated form for each newly-appointed LASO. The LASO will be responsible for ensuring compliance with these regulations and relevant laws. The LASO will also be responsible for ensuring personnel security screening procedures are being followed, appropriate security measures are in place for the protection of CHRI, MSP is informed of any security breaches, and only approved School District personnel have access to and are using the CHRI in a manner compliant with the law.

### **Access to CHRI**

*Background Checks.* The School District will conduct a state and national fingerprint-based criminal history record check within 30 days of hiring or assignment of personnel that require access to CHRI, or are involved in the configuration or maintenance of computer systems and networks with access to CHRI. Additional background checks should be performed once every five years. A felony conviction of any kind will disqualify a person from access to CHRI. If results other than a felony conviction are returned, the LASO will review the results and determine whether appointment is nevertheless appropriate. If approved personnel are subsequently arrested or convicted, the LASO or, in the event the LASO is arrested or convicted after appointment, the Superintendent, shall suspend approval until he or she reviews the arrest and/or conviction and determines whether continued approval is appropriate.

The School District will provide consent forms, such as the Livescan form (RI-030) found on the MSP website, to all personnel requested to undergo fingerprint-based criminal background checks. School District personnel should be provided the opportunity to contest or appeal their CHRI results.

This procedure should also be used for information technology contractors and vendors with the exception that approval should not be granted to contractors and vendors with outstanding arrest warrants. Non-information technology contractors or vendors will not have access to CHRI.

*Incidental Personnel.* Any persons, such as janitorial staff or remote IT personnel, who may, by function of their job duties, be around CHRI information or computer systems used to access CHRI information will be physically or virtually escorted by approved personnel.

*List of Approved Personnel.* The LASO will maintain a list of all personnel approved to access CHRI. The list will also include the reason each person was approved. The LASO will provide the list to the MSP upon request. In the event of termination, re-assignment, or transfer of approved personnel to a position that does not require access to CHRI, the LASO will take whatever measures are necessary to block such personnel from continued access.

*Access to Digital CHRI.* If the School District maintains CHRI digitally, the LASO will provide a unique password to each approved personnel with access to computer or networks from which CHRI is obtained. This provision does not apply to districts that maintain physical or e-mail-only copies of CHRI. Pursuant to AG 8321, the password must be at least eight characters long, not be a proper name or word found in the dictionary, not be the same as the username/user identification, must expire and be changed every 90 days, and must not be the same as any 10 prior passwords for each user.

**Security Awareness Training.** In accordance with the MSP template located on its website, the School District will provide all approved personnel with basic security awareness training within six months of approval and every two years thereafter. The LASO will maintain records of all personnel who have completed training.

**Dissemination of CHRI.** In the event the School District disseminates CHRI to another authorized agency, as defined in the Revised School Code, the School District will maintain a record of such disseminations. The record must include the date of release, the records released, the method of sharing, the School District personnel who disseminated the CHRI, whether authorization for dissemination was obtained, and the agency and agency personnel to whom the CHRI was disseminated. If CHRI is received from another school district or outside agency, the School District will perform an additional background check using MSP's Internet Criminal History Access Tool (ICHAT) to ensure the information received is accurate.

**Media Containing CHRI.** Only School District personnel involved in hiring decisions may be approved to access digital and physical media containing CHRI. The School District will ensure all media is stored in a physically secure location which can only be accessed by approved persons. In the event such security cannot be guaranteed, all CHRI data must be encrypted and stored on a server only accessible to the School District. Cloud storage is not permitted.

*Transportation of Media.* CHRI media will not be transported without approval by the LASO. The LASO will not grant approval unless transportation is reasonably justified. Physical media must be transported in sealed, locked, or secured containers and/or envelopes and, to the extent possible, digital media must be encrypted and/or password-protected prior to and during transportation.

*Destruction of Media.* Upon approval in writing by the LASO and the Superintendent, CHRI media no longer needed by the School District will be destroyed as follows: digital media will be deleted by either overwriting the media at least three times or by degaussing (demagnetizing), prior to disposal or reuse of the media. Physical media must be cross-cut shred or incinerated by approved personnel only. The LASO will maintain records of all CHRI media approved for destruction for five years and written documentation of the steps taken to destroy any media for 10 years. Such records must include the date the media was destroyed and the signatures of the approved personnel performing and/or witnessing the media's destruction.

**Incident Handling Capabilities.** The following table describes the various means by which the School District is required to handle storage and breaches of CHRI information.

	Physical/Hard Copy CHRI	Digital CHRI
<b>Preparation</b>	The container in which the CHRI is stored will be locked at all times in the [department] office. The office will be locked when staff is not present.	Firewalls, virus protection, and malware/spyware will be maintained.
<b>Detection</b>	Physical intrusions into the building will be monitored by means of a building alarm and by ensuring the building is locked at night.	Electronic intrusions will be monitored by virus and malware/spyware protections.
<b>Analysis</b>	The LASO will work with local law enforcement officers to determine how the subject incident occurred and the data affected.	The IT Department will determine what systems were compromised and what data was affected.
<b>Containment</b>	The LASO will lock uncompromised CHRI information in a secure container or transport CHRI to a secure location.	The IT Department will stop the spread of any intrusion to prevent further damage.

## 3207-AR Health Insurance Portability and Accountability Act of 1996 (HIPAA)

### 3207.1-AR HIPAA

The School District is committed to compliance with the health information privacy and security requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The School District currently offers its employees Blue Cross & Blue Shield PPO Medical plans. These are considered "health plans" within the meaning of HIPAA and the School District is the "Plan Sponsor." In order to assure compliance with HIPAA, the following Administrative Safeguards have been established.

### Administrative Safeguards

The following safeguards will be implemented to ensure the confidentiality of protected health information, whether created, received, maintained, or transmitted by the Plan. This includes information in electronic form, whether it is being stored or transmitted.

1. Authorization: Only School District employees designated by the Privacy and Security Officer as requiring access to protected health information for Plan administration purposes will be given such access. These employees may view protected health information necessary to perform their duties for the Plan without express authorization from the Plan member.
2. Training: School District employees authorized to have access to protected health information will receive training on an annual basis. Each such employee will be provided with a copy of the privacy policy and required to affirm, annually, in writing, that they have received the policy.
3. Security Incidents: Suspected or known security incidents will be identified, responded to, and documented in writing. The harmful effects of such security incidents, known to the Plan, will be mitigated to the extent practicable.
4. Physical Safeguards: Plan members' protected health information shall be stored in a locked file cabinet used solely for this purpose. Paper documents containing protected health information shall be shredded before being discarded. Electronic files containing protected health information, if any, shall be password protected. A facsimile machine used to transmit and receive protected health information shall be in a secure location.
5. Technical Safeguards: To the extent protected health information is maintained electronically, access to electronic information systems or software programs will be provided to only those persons who have been granted access rights. Procedures for controlling and tracking the handling of hardware and software, and for data backup, storage, and disposal, shall be implemented. This includes the receipt, handling, and disposal of health information. Employees will be required to close files when leaving their work stations to protect confidentiality.

The District shall have a contingency plan to maintain the continuity of operations in an emergency or disaster, and to enable recovery of data following disaster. An annual internal audit of data security will be conducted, including the evaluation of security measures to protect data and review of personnel compliance with the Policy and procedures.

## **3208-AR Leaves of Absence**

### **3208.1-AR Leaves of Absence - Generally**

Employees may be granted a leave of absence pursuant to Board Policy 3208. If an employee is subject to a collective bargaining agreement, that agreement determines the ability to take a leave and the procedure for doing so. Employees not covered by a collective bargaining agreement may request an Unpaid Leave of Absence by submitting a written request to the Department of Human Resources.

Any employee granted a leave of absence by the Board of Education will be considered to have terminated all work activity with the Board of Education until the completion of said leave. Exception may be made by the Superintendent in those cases where the best interest of the Rochester Community Schools might be served.

### **3208.2-AR      Benefits While on Leave of Absence or Upon Termination**

Employer-provided benefit coverage for employees on an extended leave of absence will cease in accordance with the negotiated Master Agreement for that employee. For employees on a leave of absence covered by the Family and Medical Leave Act of 1993, Health Benefits, including Life and Disability Insurance, will continue as stipulated in negotiated Master Agreements, or for twelve weeks as specified in the Act, whichever is longer.

Upon termination of employment, employer-provided benefit coverage will cease as stipulated in the negotiated Master Agreement for the terminated employee.

Employees on an Unpaid Leave of Absence are not eligible for employer-provided benefit coverage and shall be given the opportunity to continue coverage at their own expense in accordance with the provisions of COBRA.

### **3209-AR      Family and Medical Leave Act (FMLA)**

#### **3209.1-AR      Eligibility**

School District employees may be eligible for up to 12 weeks of unpaid leave under the Family and Medical Leave Act (FMLA). Employees are eligible if they:

- have at least 12 months of service with the School District, and
- have worked for the School District for at least 1,250 hours within the preceding 12-month period. The 12-month period will be calculated separately for each employee. It will be determined based on a rolling calendar, looking backward from the commencement of the FMLA leave.

#### Qualifying Events:

Eligible employees may take up to twelve (12) weeks of FMLA leave in a 12-month period for the following qualifying reasons:

- a. for the birth of a child and to care for a newborn child;
- b. for the placement of a child with the employee for adoption or foster care;
- c. to care for a child, spouse, or parent of the employee who has a serious health condition;
- d. for the employee's own serious health condition which causes the employee to be unable to perform the essential functions of his or her job;
- e. where the employee experiences a qualifying exigency arising out of the fact that the employee's spouse, parent, or child is a covered military member on active duty or has been called to or on covered active duty status in the National Guard or Reserves; or
- f. to care for an armed forces member or qualified veteran who is a spouse, parent, child, or next of kin of the employee and who is injured while on covered active duty, including an injury that manifests itself after completion of active duty.

### Serious Health Conditions

A “serious health condition” for purposes of this Administrative Regulation is an illness, injury, impairment, or physical or mental condition that involves:

- a. an overnight stay in a hospital, hospice, or residential medical care facility;
- b. a period of incapacity for more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition or supervision by a health care provider;
- c. a period of incapacity due to pregnancy or for prenatal care;
- d. a period of incapacity due to treatment for a chronic serious health condition;
- e. a period of incapacity that is permanent or long term; or
- f. a period of absence during which the employee will receive multiple treatments from a health care provider for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) full calendar days in the absence of medical treatment (e.g. chemotherapy, physical therapy or radiation).

### Applying for a Leave under the FMLA

An employee who plans to take FMLA leave must provide the School District (HR/Benefits Coordinator) with written notice at least thirty (30) days in advance, if foreseeable. If the FMLA leave is not foreseeable, and thirty (30) days’ notice cannot be given, the employee must submit the request for leave as soon as possible (within two (2) working days of learning of the need for leave, absent extenuating circumstances). Where an employee fails, or is unable to provide thirty (30) days’ notice of a foreseeable leave, the School District may delay the commencement of the leave for up to thirty (30) days after the employee provides the required notice.

The School District will provide employees requesting FMLA leave with a written Rights and Responsibilities Notice specifying the expectations and obligations of the employee while on leave and explaining the consequences of failure to meet those obligations.

### Other Important Information

- a. Intermittent Leave or Reduced Schedule Leave
  - (i) FMLA leave taken to care for a family member with a serious health condition or due to the employee’s own serious health condition may be taken intermittently or on a reduced schedule, when medically necessary.
  - (ii) FMLA leave requested for the birth of a child, to care for a newborn child or for the placement of a child with the employee for purposes of adoption or foster care, may not be taken intermittently or on a reduced leave schedule unless the employee and School District agree.
  - (iii) Instructional employees who request intermittent leave or a reduced schedule FMLA leave which constitutes more than twenty percent (20%) of the working days in the period during which the leave would extend may be required to choose either to: (a) take FMLA leave for all or part of the FMLA leave period, or (b) transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates the School District’s needs during the leave.

- b. Instructional employees who request FMLA leave that will end near the conclusion of an academic term may be required to continue the leave until the end of the term.
- c. Group health plan benefits will be maintained for the employee during the FMLA leave and the School District will contribute the same portion of the premium as it did while the employee was working. If the employee fails to make timely payment of his/her portion of the premium, the School District reserves the right to cease to maintain the employee's health benefits, provided the School District notifies the employee in writing at least fifteen (15) days before health coverage will lapse. If the employee fails to return from leave, the employee may be required to reimburse the School District for all premiums paid by the School District during the leave.
- d. FMLA leave is generally unpaid. The School District may require, that any of the employee's available accrued paid vacation or personal leave be substituted for any part of the twelve (12) week FMLA leave period. The School District may require, that an employee's available sick leave be substituted for any part of the FMLA leave if the employee or a family member of the employee has a serious health condition for which sick leave is otherwise available. FMLA leave may run concurrently with workers' compensation or disability insurance coverage for a serious health condition.
- e. The School District requires that any FMLA leave request be supported by certification (and, in appropriate cases, by periodic re-certifications) from a health care provider. The certification should be provided before the leave begins, if foreseeable, and must, in any event, be provided within fifteen (15) calendar days of a request made by the School District. The failure to provide a required medical certification in timely fashion may result in denial of the leave until the certification is provided.
- f. An employee is not entitled to the accrual of any seniority or employment benefits that would have otherwise accrued during the period of leave unless specifically provided by the applicable collective bargaining agreement or an individual contract of employment.
- g. The School District is prohibited from terminating or in any other manner discriminating against an employee for exercising rights under the FMLA.

#### Return from Leave

The School District may require that an employee returning from FMLA leave due to a serious health condition obtain certification from his/her health care provider that the employee is able to resume his/her duties and responsibilities.

Upon returning from FMLA leave, the employee may be returned to the same position he/she previously held or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. However, an employee on FMLA leave has no greater right to reinstatement or other benefits than if he or she had been continuously employed during the leave period. An employee on FMLA leave remains subject to legitimate job changes and reductions in force that occur during the leave, and such changes may result in the employee being denied reinstatement. The School District may, after notice, deny reinstatement to the highest paid ten percent (10%) of all employees ("key employees") where necessary to prevent substantial and grievous economic injury to the School District.

**Paid Medical Leave.** Eligible employees will be provided 40 hours of paid medical leave (PML) per benefit year. The District's benefit year begins on July 1. Eligible employees hired after the beginning of the benefit year will be provided PML on a pro-rata basis. Eligible employees may not carry over PML from one benefit

year to the next. Days when school is closed will not be considered closed due to a public health emergency unless specifically designated as such by the District's Superintendent. PML must be used in one-hour increments. PML may not be used except in the manner permitted by Michigan's Paid Medical Leave Act (PMLA). Eligible employees who use or wish to use PML will be required to provide documentation acceptable to the District to determine PML is being used only for reasons by Michigan law.

## **3212-AR Whistleblower Protection**

### **3212.1-AR Whistleblower Protection**

An employee of the School District who becomes aware of conduct on the part of another employee of the School District that is thought to be in violation of law, Board of Education policy or administrative regulation may seek resolution of his/her complaint through the procedure set forth in Administrative Regulation 10003.1.

## **3300-AR Terms and Conditions of Employment Applicable to Administration and Teachers**

### **3301.1-AR Evaluation of the Superintendent of Schools**

The Board will evaluate the Superintendent annually or biennially as allowed by law. Superintendent evaluations will be compliant with Michigan law in a format determined by the Board of Education.

### **3302.1-AR and 3303.1-AR Evaluation of Teachers and Administrators**

Teachers and administrators will be evaluated pursuant to the evaluation system developed and implemented by the School District. The evaluation systems can be found on the District's transparency page at the following web address: [LINK](#)

### **3304.1-AR Assignment and Transfer**

The District is committed to the employment of a qualified and competent staff for the successful functioning of the District. The Board reserves the right to determine the number and types of employees, including teachers, to be assigned to any position, department, or project which it has created.

The Superintendent/designee shall determine teacher placement based on qualifications (as defined by the district, which shall include but not be limited to the academic needs and best interest of district students, state and federal requirements such as certification, highly qualified requirements, endorsements, etc.), teacher effectiveness, and the district's educational programs. Teacher preference(s) may also be considered. The district shall strive to place the most effective and qualified teachers in assignments aligned with student and district needs.

Teacher placement decisions, and the impact of such decisions on the individual teacher or the bargaining unit, shall not be the subject of any terms or conditions within a collective bargaining agreement between the district and a collective bargaining representative of such teachers.

The Superintendent/designee shall assign duties, transfer, or alter duties or responsibilities of any member of the professional staff. Employees may also be required to perform tasks in addition to those pertaining to the position for which they are employed.



## **3306-AR        Discipline and Discharge**

### **3306.1-AR     Retirement and Resignation**

An employee may retire or resign at any time in conformity with any applicable collective bargaining agreement or employment contract. Resignations or retirements must be submitted in writing to the Chief Human Resource Officer or the Superintendent. The Superintendent has the authority to accept the resignation on behalf of the Board of Education. The superintendent will provide written notification of the acceptance of the resignation to the resigning or retiring employee.

### **3306.2-AR     Involuntary Termination**

Involuntary termination of an employee shall occur by recommendation of the Superintendent or Chief Human Resource Officer and approval by a majority of the Board of Education. When deemed appropriate at his/her discretion, the Superintendent may effectuate the termination of an employee pending approval by the Board of Education.

Termination of an employee whose employment is regulated by the Michigan Teachers' Tenure Act may only be terminated in accordance with that Act.

### **3306.3-AR     Due Process**

Prior to termination, an employee working under an individual employment contract or subject to a collective bargaining agreement shall be given oral or written notice of the charges against him/her and have an opportunity to respond. The employee will be provided written notice of termination stating the basis for the termination prior to the termination being effectuated by the Board of Education.

### **3306.4-AR     Voluntary Termination in Lieu of Involuntary Termination**

Subject to the discretion of the Superintendent, the School District will accept an employee's resignation in lieu of involuntary termination. Acceptance of resignation in lieu of termination may only be done in compliance with federal and state law, including but not limited to Public Act 189 of 1996.

## **3307-AR        Layoff and Recall**

### **3307.1-AR     Layoff and Recall**

For the purpose of this regulation, "teachers" includes individuals whose employment is regulated by the Teachers' Tenure Act. No teacher shall be reduced pursuant to a necessary reduction in personnel for any school year or portion thereof except under applicable state law.

In the event of a reduction or recall of teachers, the District will make such decisions based on retaining effective teachers. In the event of a reduction or recall, the District will reduce the least effective teachers first and recall the most effective of those who were reduced. The District retains full discretion and authority as to whether to fill positions or vacancies by way of recall, reassignment, or new hire. The District may also consider building, grade, and subject assignment; certification; qualifications; and recency of relevant teaching assignments when identifying the group of teachers subject to reduction and/or recall.

Performance evaluations shall be consistent with section 1249 of the Revised School Code, as amended. Teacher effectiveness shall include, but not necessarily be limited to, an assessment of the teacher's:

1. Individual performance, which shall be the majority factor used in making such decisions. Individual performance shall be measured by a composite of the teacher's ratings on the annual year-end evaluation.
2. Significant, relevant accomplishments and contributions above normal expectations of the teacher's peer group and having a demonstrated record of exceptional performance; and
3. Relevant special training (other than District or state requirements) and the demonstrated integration of that training into instruction in a meaningful way.

Reductions in staff shall occur in the following order, provided there are qualified, certified teachers rated effective or highly effective to assume the remaining positions/assignments, without creating an undue disruption to other teaching assignments or educational continuity, in the opinion of the Superintendent/Designee:

1. Teachers rated as ineffective on their most recent final year-end evaluation.
2. Teachers rated minimally effective on their most recent final year-end evaluation.
3. Teachers rated effective on their most recent final year-end evaluation
4. Teachers rated highly effective on their most recent final year-end evaluation.

Probationary teachers rated as effective or highly effective shall not be displaced by a teacher on continuing tenure solely because the other teacher has continuing tenure.

In the event that a personnel decision within the scope of this regulation involves two or more teachers and all of the above factors, as well as any other job related factors, (such as overall individual performance, considering the best interest of the students, staff and the district, as well as the nature of the particular vacancy at issue) are identical, length of service, seniority and/or tenure status shall be the tiebreaker.

The Superintendent/Designee, after making a final determination, will submit his/her recommendations for reduction and recall to the Board of Education.

#### Length of Eligibility of Recall

A teacher's eligibility for recall shall terminate if the teacher:

1. Resigned or employment by the Board otherwise terminates;
2. Fails to respond to the recall notice within ten (10) calendar days of receipt of such notice or fails to report, effective the first working day, to the teaching assignment to which recalled.
3. Lacks tenure status when becomes effective and is not recalled by June 30 of the ensuing school year.
4. Has tenure status when reduction becomes effective, and is not recalled during the first two years of reduction.
5. Does not have a valid Michigan teaching certificate for the assignment at the date of recall.
6. Received rating of "minimally effective" on the two most recent annual year-end performance evaluations.
7. Received rating of "ineffective" on the most recent annual year-end performance evaluation.

**3400.1-AR Omnibus Transportation Employees**

School District employees who operate commercial motor vehicles and/or are otherwise required to hold a commercial driver's license (CDL) in connection with their job duties are subject to the School District's alcohol and controlled substances testing program in compliance with the Omnibus Transportation Employee Testing Act of 1991. Prospective employees for positions that require a CDL are subject to pre-employment testing.

The district will require random, just cause and post-accident alcohol and controlled substances testing in accordance with the Omnibus Transportation Employee Testing Act.

**Testing Requirements****A. Pre-Employment Testing**

1. Alcohol and controlled substances testing is required prior to the first time a driver begins to work for the School District in a position requiring a CDL. Both prospective employees who have been offered employment in positions involving the operation of a commercial motor vehicle and current employees reassigned to such positions are subject to pre-employment testing. Employment or promotion offers for driver positions will be conditioned on completing an alcohol and controlled substances test with negative results.
2. A person hired by the School District for a position requiring a CDL, or newly assigned to a position requiring a CDL, shall not report for work unless he/she has received a verified negative controlled substances test result.
3. The School District may, at its discretion, choose not to require pre-employment controlled substances testing where the applicant has recently undergone drug testing for another employer or prospective employer. Any such decisions not to require testing will be made in strict compliance with Federal Highway Administration (FHWA) regulations.
4. The School District is required to, and will, obtain and review information on prior FHWA-mandated alcohol and controlled substances testing from any employer for which the driver performed safety-sensitive functions in the previous two years. Information concerning positive controlled substance tests, alcohol tests with results of 0.04 or higher, and refusals to test must be obtained and reviewed no later than fourteen (14) days after the first time a driver performs work requiring a CDL. Prospective drivers are required, as a condition of employment, to provide the School District with a release for such information.

**B. Random Testing**

1. The School District will conduct random alcohol testing at an annual rate that is equal to at least 10% of the number of School District driver positions. Random controlled substances testing will be conducted at an annual rate equal to at least 50% of the number of driver positions. These required random testing rates are set by the FHWA and are subject to change.
2. Drivers will be randomly selected for testing so that each driver will have an equal chance of being tested each time selections are made. Random tests will not be announced in advance and will be reasonably spaced throughout the calendar year.
3. Drivers selected for random testing must proceed immediately to the testing site upon notification of being selected.

4. Drivers will only be randomly tested for the presence of alcohol when they are driving or preparing to drive a commercial motor vehicle for the School District, or immediately prior to or immediately after such activity.
5. In the event a driver who is selected for a random alcohol and/or controlled substances test is absent from work, the School District may select another driver for testing. The School District may choose to keep the original selection confidential until the driver returns, if the driver is expected to be available for testing during the current designated testing period.

**C. Reasonable Suspicion Testing**

1. The School District will require a driver to submit to an alcohol or controlled substances test where the School District has reasonable suspicion that the driver has violated alcohol or controlled substances prohibitions. The reasonable suspicion determination must be made by a supervisor or School District administrator who has received mandated training. The determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.
2. A written record will be made of the observations leading to a reasonable suspicion test and signed by the supervisor or School District administrator who made the observations. In the case of controlled substances tests, such a record will be made within twenty-four (24) hours of the observations, or before the results of the test are released, whichever is earlier.

**(a) Reasonable Suspicion Alcohol Testing**

- (i) A driver will be required to submit to an alcohol test when the School District supervisor or administrator has reasonable suspicion that the driver has violated alcohol prohibitions. Mere possession of alcohol will not be considered reasonable suspicion for testing.
- (ii) In order to warrant reasonable suspicion alcohol testing, the observations must be made during, just before, or just after the period of the work day in which the driver is subject to alcohol prohibitions.
- (iii) The test should be administered as soon as practicable following the observations. The School District will not attempt to test if the testing is not to be administered within eight (8) hours of the observation.
- (iv) If reasonable suspicion exists, the driver may not, under any circumstances, drive for the School District until an alcohol test is administered and the driver's alcohol concentration measures less than 0.02, or not less than twenty-four (24) hours have elapsed following the reasonable suspicion determination.

**(b) Reasonable Suspicion Controlled Substances Testing**

- (i) A driver will be required to submit to a controlled substances test when the School District supervisor or administrator has reasonable suspicion that the driver has violated controlled substances prohibitions.
- (ii) The School District will remove the driver from driving functions at least until the verified test results are reported.
- (iii) The test should be administered as soon as practicable in the particular circumstances.

#### **D. Post-Accident Testing**

1. Where a commercial motor vehicle being operated for the School District is involved in an accident, the School District shall, as soon as reasonably practicable under the circumstances, test for alcohol and controlled substances any driver (a) who was driving, if the accident involved the loss of human life; or (b) who receives a citation for a moving traffic violation arising from the accident.
2. Immediately following an accident, the driver must contact his/her supervisor or a School District administrator. The driver must remain available for testing. This requirement should not be construed to require the delay of necessary medical attention for injured persons following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
3. Alcohol and controlled substances testing will be conducted as soon as reasonably possible under the circumstances. If an alcohol test is not administered within eight (8) hours following the accident, or a controlled substances test is not administered within thirty-two (32) hours following an accident, the School District will not attempt to administer the test.
4. The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances which is administered by federal, state, and/or local officials having independent authority to conduct the test, shall be considered to meet the requirements of this procedure, if the results are released to the School District.

#### **E. Return to Duty and Follow-up Testing**

1. If the School District continues to employ a driver who has tested positive for alcohol or controlled substances, or has otherwise violated this Administrative Regulation, the driver will be subject to testing before he or she can again drive for the School District. The driver may also be subject to follow up testing following the return to duty.
  - (a) Return to Duty Testing
    - (i) A driver who has engaged in prohibited alcohol use must undergo a return to duty alcohol test indicating a breath alcohol concentration of less than 0.02 before returning to duty as a driver.
    - (ii) A driver who has engaged in the use of prohibited controlled substances must undergo a return to duty controlled substances test with a verified negative result before returning to duty as a driver.
    - (iv) The driver must also be evaluated by a substance abuse professional ("SAP") and participate in any assistance program that is prescribed. The School District must be provided with a written statement from the SAP that the employee has been evaluated and has complied with any prescribed rehabilitation before the employee will be permitted to return to work.
  - (b) Follow-up testing
    - (i) Following a determination by a SAP that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the School

District will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the SAP. At least six (6) tests shall be conducted during the first twelve (12) months following the driver's return to duty.

- (ii) Follow-up alcohol testing will be conducted only when the employee is driving or preparing to drive a commercial motor vehicle for the School District, or immediately prior to or immediately after such activity.

**Effective: November 30, 2018**

## **5000**

## **Students**

The 5000 series of Board Policies requires or permits the Superintendent, or designee, to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on March 1, 2017 and posted them on the district's website. All School District personnel and Students are required to follow these administrative regulations.

### **5100-AR**

### **Admission and Enrollment**

#### **5101-AR Resident Students**

##### **5101.1-AR Age of Enrollment**

Michigan's Revised School Code specifies the dates by which a child must reach school age in order to be eligible to enroll in kindergarten or first grade.

##### **5101.2-AR Early Enrollment**

A parent<sup>1</sup> may apply for early enrollment to the Superintendent. The Kindergarten Age Waiver Form may be accessed by [clicking here](#), or by going to this link: [LINK](#)

##### **5101.3-AR Documentation**

A parent who seeks to enroll a child in the School District will prove the child's age, typically with a certified copy of a birth certificate. If the parent cannot produce a certified copy of a birth certificate, the parent must explain the reason to the enrollment official and prove the child's age to the reasonable satisfaction of the enrollment official. The parent must also sign an affidavit stating the reason the birth certificate cannot be produced. A parent enrolling a student who has attended school in another school or school district must provide the enrollment official with a release for the student's education record on a form created by the School District or otherwise acceptable to the enrollment official. A parent enrolling a student will provide a current Immunization Record; Michigan law requires all children to have all required immunizations or a valid waiver on file prior to the start of school. A parent enrolling a student will provide a copy of the parent's picture ID.

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<sup>1</sup> The term "parent," as used in these regulations, includes a guardian or an adult student.

## **5101.4–AR      Residency**

Families residing with a resident who owns/leases their home in the district:

A signed, notarized and stamped Shared Household Affidavit where the home owner provides a picture ID to the notary for verification, a current property tax statement, deed or land contract and a current utility bill establishing the home owner lives within the School District's geographic boundaries; or,

A signed, notarized and stamped Shared Household Affidavit where the lease holder provides a picture ID to the notary for verification, a fully executed lease and current utility bill confirming the lease holder lives within the School District's geographic boundaries.

Residency is defined in Michigan's Revised School Code. Proof of residency will be established as follows:

For Homeowners:

A current property tax statement, deed or land contract and a current utility bill establishing the parent lives within the School District's geographic boundaries; or, a property transfer affidavit establishing the parent will live within the School District's geographic boundaries within 30 days of the beginning of the student attendance year in question; or,

For Renters:

A fully executed lease and current utility bill confirming the parent lives within the School District's geographic boundaries.

## **5102–AR      Nonresident Students**

### **5102.1–AR      Schools of Choice (Inter-District)**

The School District does not accept inter-District schools of choice students at this time.

### **5102.2 – AR      Intra-District Open Enrollment**

In general, students shall attend the school serving the attendance area in which they live. In some circumstances, parents/legal guardians may request their student attend a school outside their attendance area under the following guidelines.

#### **I.      Guidelines**

- A. For students entering grades K-5, open enrollment requests will be granted to siblings currently in attendance at a school under open enrollment. Students entering grades K-5 who do not have siblings currently under open enrollment will be considered using the following criteria:
  - Available physical space at schools and/or grade levels within schools. Some schools may be closed to open enrollment for the subsequent school year.
  - Contractual planning ratios and legal contractual limits
  - Space for anticipated growth/projections and special programs assigned to the building
- B. For students entering grades 6 through 12, open enrollment will only be granted to those who will have a sibling concurrently enrolled at the building requested.



## **II. Annual Application**

All students will be assigned space in their neighborhood school. They will retain that space until and unless they have made application and have been assigned space in a school in another attendance area under open enrollment.

Commitment by the student/parent/guardian to their open enrollment school begins with the signing and returning of the form that accompanies the notification of acceptance to their open enrollment school. If this form is not returned within the stated timeline, the student making application will be assigned to the neighborhood school. The following will apply:

- Placement at the open enrollment school shall be for the entire school year.
- The student may remain at the open enrollment school, without annual application, unless the parent/guardian notifies the office of student enrollment.
- Students will be limited to one choice when applying for an open enrollment placement.
- Students open enrolled prior to the 2017-18 school year who are changing levels (elementary to middle; middle to high) will automatically be enrolled to the school according to the open enrollment path unless the parent/guardian notifies the office of student enrollment.
- Beginning with new open enrollment requests for the 2017-18 school year, students will be assigned to the school in their home attendance area when changing levels (elementary to middle; middle to high).

## **III. Priority for Placement**

If the number of students applying to attend a school should exceed the established capacity level, priority for available space in the receiving school will be given to siblings of students enrolled in the requested school. Otherwise, the students wishing to exercise the open enrollment option will be determined on a lottery basis.

## **IV. Athletic Restrictions**

All students in grades 10-12 who move to an open enrollment school shall be ineligible for interscholastic athletic competition the first semester they enter the open enrollment school. No waiver of ineligibility shall be requested as provided for in the Michigan High School Athletic Association, Inc., Regulation 1, Section 9 (A-9).

However, a student who has returned to his/her home school at the request of the school district would immediately be eligible in the home school.

## **V. Application Process**

Each year, a timeline will be established within which a request for an open enrollment placement can be made. The timelines will have the format of:

- A. Application period (three-week period).
- B. Applications will be accepted within the specified timeline for all elementary schools that are projected to have space for the following school year. Schools that are projected to be at capacity will be closed for open enrollment. A list of schools available for open enrollment will be published at the beginning of the application period.

- C. After the application deadline, notification will be sent to the student/parent/guardian as to whether the open enrollment request was granted. If the student/parent/guardian accepts the open enrollment placement, he or she will need to return the completed commitment letter within two weeks. Failure to return the commitment letter will void the open enrollment request.

#### **VI. Moving within District Boundaries**

Students who relocate within the boundaries of the school district have two options:

- 1) Remain at their original school. If the student elects to remain at the school within the boundaries of the former residence, the student may continue at that school until the end of the school year or until a level change (elementary to middle; middle to high). In accordance with this administrative regulation, transportation will not be provided.
- 2) Transfer to a school serving the new residence.

The Student Enrollment Office must be notified by April 1 of the student's intent for the following school year. For address changes after April 1, the student is required to make an immediate decision regarding placement.

#### **VII. Transportation**

Parents/guardians are responsible for providing transportation of students exercising open enrollment.

#### **VIII. School Notification**

Shortly after commitment letters are returned by the parents, building principals will be notified by the Student Enrollment Office as to the number of open enrollment students, the grade level they are placed in, and the names of students.

#### **IX. Parent/Student Responsibilities**

Open enrollment students are expected to be at school on a daily basis on time and are expected to leave the school grounds promptly at the end of the school day. Failure to comply will result in termination of the student's open enrollment placement.

#### **5102.3–AR Tuition Students**

The School District does not accept tuition students at this time.

#### **5102.4–AR International Exchange Students**

The School District may accept international exchange students each school year, subject to the Superintendent's reasonable discretion. A student wishing to enroll in the District as a J-1 international exchange student must meet the following requirements: he/she must complete an application to the District's Office of Student Enrollment between March 1 and June 30 of the preceding school year; he/she must provide the District with evidence of approval by the United States Department of State, including a J-1 student visa; he/she must be affiliated with a program on the Council on Standards for International Education and Travel (CSIET) Advisory List on International Education Travel and Exchange Programs and/or affiliated with an organization that the District has approved; he/she must provide the District with the name, address and telephone number of the program's local representative and most recent brochure; he/she must provide the District with the names, address and telephone number of at least one suitable

host families; he/she must be of high school age by the date of first attendance in the District; he/she must provide the District with suitable proof of health and accident insurance; he/she must be able to communicate and learn in English.

Students enrolling in the District as an F-1 international exchange student (credit seeking) must apply through a District approved organization or agency. The District will start receiving applications for the subsequent school year beginning in January and ending in May. Determinations will be based on the merit of a student's application including the following: academic record, recommendations, responses to questions asked on surveys, video or phone interviews, written essay, and English proficiency levels.

The Student Enrollment Office and/or the Curriculum Department Administrators, no later than June 15 of each school year, will forward to the Superintendent/designee recommendations for international exchange students who meet the criteria set forth in the preceding paragraph. An effort will be made to ensure that there the number of students is balanced using the following criteria: countries represented, gender, grade levels, and high school attending. The Superintendent/designee will review the recommendations and, if he/she is satisfied, forward the recommendations to the high school building administrator(s), who will place the student(s) for the upcoming school year according to applicable Board policies and administrative regulations. Accepted International exchange students attending the District are subject the same policies and administrative regulations as other students. They may receive diplomas or high school credit from the District according to applicable administrative regulations.

#### **5102.5–AR      Homeless Students**

The Superintendent appoints the District's Enrollment Supervisor to serve as the School District's Homeless Liaison in accordance with the McKinney-Vento Act. The Liaison's duties include, but are not limited to:

1. Establishing practices designed to facilitate the school enrollment of homeless students;
2. Assisting with the enrollment of homeless students and providing assistance with obtaining academic and medical records;
3. Informing parents or unaccompanied homeless students of the educational and related opportunities available to them;
4. Assisting with school placement decisions based on the best interest of the student and desires of the parent or unaccompanied student;
5. Ensuring that referrals are made for health care, dental, mental health and other appropriate services;
6. Monitoring each enrollment to assure that homeless students are not isolated or stigmatized because of their homeless status;
7. Handling enrollment disputes and ensuring that disputes over the placement of homeless students are resolved in a timely manner;
8. Arranging transportation and informing the parent or unaccompanied homeless students of the transportation services the School District must make available; and,
9. Disseminating public notice of the educational rights of homeless students in places within the community where they are likely to be seen by homeless students, their families and advocates for the homeless.

The Liaison will inform all School District personnel and persons or agencies known to work with homeless families of his or her identity and contact information.

#### **5102.6-AR Children of Non-resident Employees**

A child of a non-resident employee of Rochester Community Schools may be permitted to enroll in the District without payment of tuition pursuant to Michigan law.

#### **5102.6-AR Shared Time Instruction**

Shared time instruction will be provided according to Michigan law and the Michigan Department of Education's Pupil Accounting Manual.

### **5200-AR Learning and Achievement**

#### **5201-AR Curriculum**

The School District's curriculum is Michigan's K-12 Standards as promulgated by the Michigan Department of Education. School District personnel may supplement and enhance, but may not ignore or replace the School District's curriculum, except as permitted or required by law.

#### **5202-AR Assessments**

##### **5202.1-AR National Assessments**

The School District administers the following national assessments to ~~all~~ students, except as permitted or required by law: NAEP (upon selection by the US Department of Education).

##### **5202.2-AR Statewide Assessments**

The School District administers the following statewide assessments to all students, except as permitted or required by law: PSAT, SAT, WorkKeys, and M-STEP

##### **5202.3-AR Districtwide Assessments**

The School District administers the following Districtwide assessments to all students, except as permitted or required by law: iReady; Fountas & Pinnell Benchmark Assessments; Everyday Mathematics; Writing Pathways Assessments; and Common Assessments.

##### **5202.4-AR Discretionary Assessments and Assessment Required by Law**

These regulations do not prohibit School District personnel from administering or considering other assessments, including other assessments permitted or required by law.

### **5203-AR Progress Reports and Grades**

#### **5203.1-AR Generally**

Progress reports and grades are intended to encourage student achievement and citizenship and accurately and consistently report student achievement in the District's curriculum. Teachers are expected to follow Board policies and administrative procedures concerning progress reports and grades. Building administrators are expected to orient new teachers to the Board's policies and administrative procedures concerning progress reports and grades and, upon request, assist teacher compliance.

### **5203.2-AR      Establishing Expectations**

Building administrators and teachers are expected to establish academic and behavioral expectations for students and parents at the beginning of the school year or course. Middle school and high school teachers are strongly encouraged to communicate academic and behavioral expectations to students in writing, including a syllabus.

### **5203.3-AR      Reports, Grades and Academic Recognition**

The School District's Assistant Superintendent, Curriculum and Instruction is responsible for creating and, from time-to-time, updating or revising forms for periodic progress reports and grades for elementary, middle school and high school students. Teachers are responsible for completing all necessary forms for periodic progress reports and grades in an objective, consistent and timely manner. Teachers are also responsible for notifying students and parents when a student's work is likely to result in a failing grade. Academic reports and grades should be based on students' academic work rather than behavior. Behavior should be reflected in citizenship reports or marks. A teacher may not award a failing grade to a secondary student unless he/she has provided such notice in a timely fashion. Building administrators are expected to facilitate these teacher responsibilities consistent with Board policies and these administrative regulations.

### **5203.4-AR      Accommodations and Modifications**

Accommodations permit a student to access School District facilities and services, including educational services such as the District's curriculum. Modifications change the District's curriculum at a student's grade level. Teachers may not consider accommodations when giving academic progress reports or awarding grades. Teachers may note modifications on academic progress reports and grade reports. The District does not note modifications on student transcripts.

### **5203.5-AR      Grade Appeals**

Teachers are responsible for awarding grades. A student or a parent who wishes to appeal a grade awarded by a teacher may do so by notifying the building administrator in writing no later than 30 calendar days after the report cards electronically posted. The building administrator will promptly schedule a meeting with the parent and/or student, teacher, and counselor to discuss the appeal. If the teacher does not concur with the appeal, the building administrator will notify the parent or student of that fact and of his/her right to convene a Grade Review Panel by so notifying the District's Superintendent in writing.

If the parent or student requests a Grade Review Panel, the Panel will be convened within 14 calendar days from the Superintendent's receipt of the request. The Panel will consist of three teachers selected by the teacher's Association, one member of the Board of Education and the Superintendent or designee. The Superintendent or designee will serve as Panel chairperson.

The parent or student and the teacher who awarded the grade will be invited to the Panel meeting. They will have an opportunity to submit verbal and written statements to the Panel. The Panel will issue its decision within 14 calendar days of the meeting and notify the parent or student and the teacher who awarded the grade.

The parent or student or the teacher who awarded the grade may appeal the Panel's decision to the Board of Education in writing within 14 calendar days of receipt of the decision. The Board will notify the Superintendent and the other affected party of the appeal. The Superintendent will provide the Board with the Panel's decision and the Board will affirm, reverse or modify the Panel's decision at its next regular

meeting. The Board's decision will be final and binding. The Panel's decision and the Board's resolution concerning the Panel's decision will be placed in the student's CA-60.

#### **5203.6-AR Academic Recognition**

Building principals will take all reasonable opportunities to encourage scholarship by recognizing students who excel in their studies. Building principals at the middle school and high school levels will set and communicate honor roll standards and publish honor rolls within the school and to the media. Building principals of the School District's comprehensive high schools will appropriately recognize Scholars of the Highest Distinction, Scholars of Distinction and Scholars of Achievement, according to the standards set forth below, as achieved by the end of the student's seventh semester.

Scholars of Highest Distinction		Scholars of Distinction		Scholars of Achievement	
GPA:	3.9 – 4.0	GPA:	3.8-3.899	GPA:	3.5-3.799
AP:	4 courses	AP:	3 courses	AP:	2 courses
ACT/SAT:	32/1450	ACT/SAT:	28/1310	ACT/SAT:	26/1240

<b>5204-AR Placement</b>
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#### **5204.1-AR Placement Generally**

The Superintendent designates to building administrators the responsibility for placing students in schools, grades and courses. Building administrators should exercise good judgement with respect to placement decisions and consider the following factors, among others:

1. The student's academic achievement and ability as reflected in scores on standardized tests;
2. The student's academic performance in School District classes or while enrolled in another school district;
3. The student's chronological age; and,
4. The student's social maturity.

In the event of disagreement, the student and his or her parents should be consulted before a final placement decision.

#### **5204.2-AR Promotion and Retention**

Subject to 5204.1 - AR, students typically advance to the next grade after the end of the school year. The building administrator will use the following process if a student's teacher or parent recommends retention:

1. Teachers should identify students who are not meeting grade level objectives in one or more subjects and notify the building administrator and the students' parents by the end of the first semester of each school year. When such notification occurs:
  - (a) The teacher, building administrator and parents should meet to review the student's academic record, current test scores, work samples and anticipated progress; and,
  - (b) Follow-up meetings may be scheduled between the teacher, building administrator and parents.

2. The building administrator is responsible for making a final decision on retention, after consulting the teacher and the parents, and considering the following factors, among others:
  - (a) The student's academic achievement in all subject areas, especially attainment of grade level objectives, as determined by the School District's curriculum, assessments, progress reports, tests, assignments and work samples;
  - (b) The student's chronological age;
  - (c) The student's attendance; and,
  - (d) The student's social and emotional maturity.

<b>5205-AR</b>	<b><i>Graduation</i></b>
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**5205.1-AR      Generally**

All School District students who meet the School District's graduation requirements will be issued a diploma. Participation in School District graduation ceremonies is a privilege rather than a right.

Building principals may recommend eligible students for graduation and a diploma when the student has met the requirements established in these regulations. A student is eligible for recommendation for graduation when he/she: has completed four years of high school, except as set forth in 5205.2-AR; has earned 22 total high school credits, including all required by the Michigan Merit Curriculum (MMC) courses and credits (which may include middle school courses aligned with MMC, but not for purposes of calculating GPA); and, has completed all statewide assessments. The MMC eligibility requirement may be fulfilled through a Personal Curriculum (PC) created according to Michigan law and approved by the Superintendent. The Superintendent will not approve PC deviations from School District graduation eligibility requirements based on a student's personal preference for one or more subjects over others.

**5205.2-AR      Early Graduation**

A student who is otherwise eligible for graduation and a diploma may make a request for early graduation to his/her counselor and building principal. The building principal may recommend a student's early graduation upon the student's counselor's certification that the student has or will meet all School District graduation requirements. Parental permission is required for students who are not 18 when the application is filed. If the Superintendent grants an application for early graduation, the student will receive a letter of confirmation but will not be awarded his/her diploma until the next graduation ceremony.

<b>5300-AR</b>	<b>Education Records</b>
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<b>5301-AR</b>	<b><i>Education Records Generally</i></b>
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**5301.1-AR      Generally**

The School District maintains records according to the Michigan Department of Education's Record Retention Manual.

**5301.2-AR      Cumulative File (CA-60)**

Building administrators will create and maintain a cumulative file (CA-60) for each student who attends school in the School District. The cumulative file may be created and maintained digitally. The building administrator will determine the contents of the CA-60 including, at a minimum:

1. The student's classes and credits;
2. The student's attendance record;
3. The student's assessment results;
4. The student's standardized test results, with the exception of standardized tests taken to determine whether the student is eligible for special education and related services;
5. The student's immunization status;
6. An eligible student's most recent IEP or Section 504 Plan;
7. A summary of the student's disciplinary record.

### **5301.3–AR Special Education File**

The School District's Executive Director of Special Education will publish a legally compliant guidelines requiring School District personnel to create and maintain special education files for students who are eligible for special education and related services or accommodations under the Individuals with Disabilities in Education Act and Michigan special education law; Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990. The special education file may be created and maintained digitally. The guidelines are available at this link: [LINK](#)

## **5302–AR *Directory Information and Access to Student Education Records***

### **5302.1–AR Family Education Rights and Privacy Act (FERPA)**

This administrative regulation has been developed to comply with FERPA and does not, itself, confer enforceable rights to any person.

#### Access to Education Records

**Parental Access** – The natural parents of minor and dependent students may inspect their children's education record, unless that right has been terminated by a court order.

**Adult Students** – Adult students may inspect their education record.

**School District Personnel and Board members** – School District personnel and Board members may access a student's education record if they have a "legitimate educational interest" in doing so, within the meaning of FERPA.

**Other Persons** – Other persons may inspect student education records to the extent permitted by FERPA.

**Time and Place for Inspection** – Generally, a person authorized to access a student's education record, other than School District personnel, must make an appointment to review education records at the student's school with the building administrator, or designee, who will remain present during the inspection. An authorized person will be permitted to copy selected education records upon request and fees may be charged as permitted by law.

#### Access Log

The building administrator will include an access log in each student education record that will identify each person who accessed the education record, the date and time the education record was accessed and the reason the education record was accessed.

#### Directory Information



Board Policy 5302 defines directory information that may be disclosed by School District Board members and personnel. The Superintendent designates each building principal to annually notify parents and adult students of their right to “opt-out” of the disclosure of directory information, the steps that must be taken to exercise that right and to timely notify the building administrator when a parent or adult student has exercise that right.

#### *Amendment of Education Records*

Parents and adult students may request the amendment of education records that are inaccurate, misleading or in violation of the student’s rights of privacy or other rights. The following procedure will be used in cases when parents or adult students request the amendment of education records:

1. The Parent will request the amendment in writing, including: identifying the education record(s) in question; and, the reason(s) the education record should be amended;
2. The building administrator, after conferring with his or her direct supervisor, may agree to amend the education record and do so;
3. The building administrator, after conferring with his or her direct supervisor, may decline to amend the education record and, if so, notify the parent or adult student of the reason(s) and his or her right to a hearing.
4. If a hearing is requested, the building administrator will immediately notify his or her direct supervisor and the Superintendent, who will arrange for a hearing consistent with FERPA requirements.

### **5400-AR Extracurricular Activities**

#### **5402-AR School District Clubs and Other Activities**

##### **5402.1-AR School District Clubs and Other Activities**

On or before November 1 of each school year, each building administrator will forward to the Assistant Superintendent for Curriculum and Instruction a complete list of the School District clubs and other activities as well as student initiated clubs offered in the building. The building administrator will also promptly notify the Assistant Superintendent for Curriculum and Instruction of any changes during the school year.

#### **5403-AR Fundraising (Revised 7-17-2018)**

Overview: Fundraising generally falls into two categories: fundraising by individual schools or student activity groups and fundraising by parent organizations (PTA, Booster Club, etc.) This administrative procedure governs fundraising by individual schools or student activity groups. Questions concerning fundraising by parent organizations should be directed to the School District’s Assistant Superintendent for Business Affairs.

General Guidelines: Request to conduct fundraising must be submitted to the building administrator for approval. The building administrator must notify the Superintendent of approved fundraisers. Fundraisers requiring the use of School District facilities must be approved by the building administrator. If the fundraiser involves food items, items that do not meet USDA Smart Snack standards may not be sold to students or consumed by students on campus during school hours.

#### **5404.2-AR Contracts (Revised 7-17-2018)**

Building administrators may not enter into contracts, including contracts related to fundraisers, without prior approval of the Superintendent.

## **5405-AR      *Accounting Procedures and Cash Management (Revised 7-17-2018)***

Funds collected from fundraisers must be secured by the staff member in charge of the fundraiser at the end of every day and turned over to the building administrator at the end of the day or as soon thereafter as possible. The building administrator will verify the amount collected every day, notify the staff member in charge and the Superintendent of the amount collected every day and deposit the amount collected every day in a bank account or a safe at the end of the day or as soon thereafter as possible.

Purchases may not be made from cash received through a fundraiser. Instead, purchases must be made using a School District purchase order, check or credit card. If this is not possible, the School District will reimburse for purchases approved by the building administrator and the Superintendent.

The building administrator is responsible for maintaining all fundraising and related records for five years after the fundraiser is completed and such records are subject to internal audit and external audit by the District's independent auditing firm.

## **5500-AR      Communications**

### **5501-AR      *Closed Forum***

#### **5501.1-AR      Memorials**

Generally, tributes, ceremonies and memorials (collectively, memorials) recognizing an adult or student are not held or permitted on School District premises. A person who wishes to organize a memorial on School District premises must seek the permission of the building administrator, who will consult with the Superintendent before granting permission.

A student who dies during the school year will be acknowledged in his or her school yearbook that year in a manner within the discretion of the building administrator, unless the yearbook has already gone to print. The student's parents or friends may seek the permission of the building administrator to acknowledge the student in subsequent years.

A student who dies during the school year may also be acknowledged in the next edition of any official school newsletter or student publication. Any article concerning the student must be written with the assistance of the school's trauma team, if any, and approved by the building administrator and the student's parents. Such articles should be similar in content and length. The building administrator may also permit the dedication of a single program, playbill, book or specific event related to the student's interests or activities no later than one calendar year of the student's death.

Permanent physical memorials will not be permitted on School District premises except through the auspices of the Rochester Community Schools Foundation and, in those cases, consistent with any School District and Foundation naming policies.

## **5504-AR      Ceremonies and Observances (Former AR8800)**

### **5504.1 (Revised 11.30.18)**

#### **1.      DEFINITIONS**

Information about holidays may focus on how and when they are celebrated, their origins, histories and commonly recognized meanings. Holidays may be studied or observed:

Study – To gain understanding about a holiday through academic study, which may include performances, displays, or other activities with the goal of promoting sensitivity to the beliefs and practices of others.

Observe - Acknowledgement of a holiday through displays, decorations, classroom party or other activities in recognition of its significance. It is the responsibility of staff members to:

- Ensure that such activities are strictly voluntary,
- Not place an atmosphere of social compulsion or ostracism of minority groups or individuals,
- Determine that activities not interfere with the regular school program and
- Provide alternative activities for students who choose not to participate.

## 2. *EXAMPLES OF HOLIDAY TYPES*

Public holidays have been identified at the federal and state level and are those days when regular business is not transacted:

New Year's Day  
Martin Luther King, Jr. Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans' Day  
Thanksgiving Day  
Christmas Day

Secular Holidays – A cultural holiday that may be celebrated by components of the population. Examples include, but are not limited to Valentine's Day, St. Patrick's Day, Cinco de Mayo, Halloween, Kwanzaa, Christmas Day. Religious Holidays – Those holidays related to the religious beliefs and practices of individuals, groups, or cultures. Religious holidays include, but are not limited to Christmas Day, Easter, Id Al-Fitr, Bodhi Day, Holi, Passover, Divali, Ramadhan, Yom Kippur, etc.

## 3. *CURRICULUM*

A. The teaching of religion to instill belief is the responsibility of the family and religious institutions, but teaching about religion is a legitimate responsibility of the schools. District curriculum should include study of a variety of religions, but should not advance one religion over another. Instruction about religion should help students better understand the religious heritage of their own and other cultures.

B. The study of holidays should infuse the curriculum as part of cultural studies for the subject areas taught in schools. The Social Studies Curriculum Review Committee has identified a number of holidays which are clearly linked to the Social Studies Essential Learning Outcomes. The holidays identified by the Social Studies curriculum are to be studied or observed. No unit of study should be dominated by the study of a holiday.

C. Religion should be portrayed accurately and there should be balanced treatment of the world religions. The study of the impact of religion on civilization should be included in the curriculum in appropriate curricular areas such as fine arts, language arts, and social studies. It is the responsibility of the staff to ensure that religious symbols are not profane nor desecrate what is sacred to a religion or culture.

D. As guaranteed by the United States Constitution, religious liberty and the separation of church and state are taught as core democratic values. When discussing controversial issues pertaining to democratic values, they should be presented impartially and with balanced treatment of conflicting viewpoints.

E. Curricular content is determined in accordance with District procedures based upon best standards of the field in question, and not solely to accommodate the religious views of a particular individual or group.

#### 4. *DECORATIONS AND DISPLAYS*

Religious symbols such as Menorah, Star of David, Crèches, crosses, etc., should be used only as teaching aids and not decoration. Symbols of religious holidays that might have acquired secular meaning might be used as decorations for up to ten school days prior to the holiday. Example: presents, bells, turkeys, bunny, cornucopias, giving tree, etc. It is important that holidays reflect the variety of cultural traditions of all students. Sensitivity to the needs of all students should take precedence and teachers are encouraged to expose students to a variety of cultural traditions.

#### 5. *GIFTS AND GREETINGS*

Individual holiday gift giving is permitted, while school sponsored exchanges are not. School sponsored holiday gift sales are acceptable outside of class time. School sponsored holiday gift making or community service projects are permissible, as long as they are consistent with curricular goals and alternative activities are provided for students who choose not to participate. Individual holiday greetings are also permitted.

#### 6. *PERFORMANCES*

Student performances, such as band, instrumental and vocal musical concerts, and dramatic portrayals may be dedicated to public holidays. Performances may have elements associated with religious holidays, provided they are integral to the curriculum. Performances by students throughout the school year should reflect balance and respect for multiple traditions.

#### 7. *SCHOOL COMMUNICATIONS*

School and classroom communications may be decorated with symbols of public and secular holidays. Secular symbols should reflect a variety of cultural traditions. Communications, which advance or inhibit observance of cultural or religious holidays may not be posted in school or disseminated by school staff members.

#### 8. *PRIVACY*

No individual should be required to reveal his/her personal beliefs and/or values. Parents should be reminded to inform teachers of students' religious or cultural needs, which might require individualized attention by the teacher.

#### 9. *PERFORMANCE STANDARDS*

A school will have fulfilled the intent of the AR if in the course of a school year, the following criteria are met:

- Activities in conjunction with religious holidays neither advance nor inhibit religion, and are limited to study.
- Projects and activities representing specific holidays should reflect a variety of cultural traditions. Alternative projects and activities should be provided for students who choose not to participate.
- The totality of holiday-related activities reflects a variety of cultures and a balance among them.
- Students observe holidays which reflect the common heritage of all people.
- No student is compelled to study or observe any holiday in ways contrary to his/her religious beliefs.
- Holidays observed throughout the calendar year should be representative of holidays observed by all cultures to ensure that the needs of all students are met.

**5504.2-AR Flag Displays, Pledge of Allegiance and National Anthem (Former AR8810AR)**  
(Revised 11.30.18)

Student instruction will include learning the National Anthem, Pledge of Allegiance, and history of the flag.

5602-AR Student Attendance (Revised 7.17.2018)

Absences should be reported to the school office twice daily by classroom teachers (morning and afternoon). Teachers should report unusual patterns of absence or tardiness to the principal. In case of unusual attendance patterns, the principal will initiate a conference with the parent/guardians. A plan for regular school attendance will be established and monitored by school personnel. Continued absences/tardies may result in truancy referral.

Student's absences will be categorized as follows:

#### Excused Absence

A student's absence from school for personal illness, medical appointments, other prearranged absences, religious observances, or emergencies in the family may be considered an excused absence.

#### Exempted Absence

School Approved Activity: Any school activity which has been pre-arranged and approved by the building principal/designee is considered a "Student Activity Absence" and is exempt.

#### Unexcused Absence

Any absence not covered under the excused or exempted absence guidelines will be considered unexcused.

### **MIDDLE SCHOOLS**

A master absence list will be compiled daily and used to check student attendance each class period. Names of students absent from class not appearing on the master absence list shall be sent to the office.

Parents whose children are absent frequently will be contacted. Excessive absences will result in a letter sent from the principal/designee to the parents and/or legal guardians expressing concern for poor attendance. If excessive absences continue, the school principal/ designee will request a joint conference with the student and parent.

Students' absences will be categorized as follows:

#### Excused Absence

A student's absence from school for personal illness, medical appointments, other prearranged absences, religious observances, or emergencies in the family may be considered an excused absence.

#### Exempted Absence

School Approved Activity: Any school activity which has been pre-arranged and approved by the building principal/designee is considered a "Student Activity Absence" and is exempt.

#### Unexcused Absence

Any absence not covered under the excused or exempted absence guidelines will be considered unexcused.

### **HIGH SCHOOLS**

Students' absences will be categorized as follows:

#### Excused Absence

An absence is excused if a parent or legal guardian calls the twenty-four (24) hour attendance number no later than 12:00 noon the school day following the absence for personal illness, medical appointments, other prearranged absences, religious observances, or emergencies in the family. Any student who leaves the school building for any reason without properly signing in/out will not receive an excused absence.

#### Exempted Absence

In order for an absence to be exempted by and administrator, it must meet one of the following criteria:

- A. School Approved Activity: Any school activity which has been pre-arranged and approved by the building principal/designee is considered a "Student Activity Absence" and is exempt.

#### Unexcused Absences

Any absence not covered under the excused or exempted guidelines will be considered unexcused. If a student leaves the building for any reason without properly signing in/out, it is considered an unexcused absence. School work cannot be completed for credit for unexcused absences.

#### Tardies

A student will be considered tardy if he/she is not physically present in the room at the beginning of class. Under the law, chronic tardiness is considered truancy. Excessive tardiness will be considered a Code of Conduct Violation.

### **5602.1-AR      Student Code of Conduct**

The Superintendent has developed and promulgated the School District's Student Code of Conduct consistent with Board Policy 5602. The current Student Code of Conduct is posted on the School District's website and is also accessible by [clicking on this link: LINK](#). Building administrators and teachers are responsible for enforcing the Student Code of Conduct in their buildings and classrooms. District programs such as School Age Care, Pre-K Programs, and Transportation also have guidelines for student behavior and consequences.

### **5602.2-AR      Positive Behavior Supports and Alternatives to Corporal Punishment**

Positive behavior supports are included in the District's Student Code of Conduct. Positive behavior supports and interventions are one of the School District's alternatives to corporal punishment. The School District's Student Code of Conduct is another alternative to corporal punishment.

### **5602.3-AR      Athletic Code of Conduct**

The Superintendent has developed and promulgated the School District's Athletic Code of Conduct to implement Board Policy 5401. The current Athletic Code of Conduct is posted on the School District's website and is also accessible by [clicking on this link. LINK](#). Building administrators, teachers, club sponsors and coaches are responsible for enforcing the Athletic Code of conduct in their buildings and programs.

## **5700-AR                      Health and Safety**

### **5701-AR              *Programs and Activities***

#### **5701.1-AR      Surveillance**

The Superintendent authorizes surveillance to improve the safety and security of School District staff, students, premises and equipment. Surveillance may include: observation by School District staff; observation by law enforcement personnel; video surveillance devices; and, other monitoring School District equipment, including computers, and networks. School District surveillance will be within all applicable legal requirements.

### **5704-AR              *Medications***

#### **5704.1-AR Administration of Medication by School District Personnel**

School District personnel will not administer medication to students except according to this regulation.

The parent must submit a request to administer prescription or non-prescription medication to the building administrator on a form approved by the Superintendent. The request must include at least the following information: the name of the student; the name of medication; the dosage; the time and frequency of administration during the school day; and, other special instructions, if any. Upon approval by the building administrator, School District personnel will administer medication to students subject to the following conditions:

1. Medication must be submitted in its original container, whenever possible. If medication is not in its original container, the parent must label the container with the following information: the name of the student; the name of medication; the dosage; the time and frequency of administration during the school day; and, other special instructions, if any.
2. Medication must be brought to and returned from the school by the parent for elementary students;
3. The parent must ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
4. The parent must ensure that the school is informed in writing of any changes in medication instructions; and,
5. In the event a student refuses medication, the parent will be notified immediately;

**Storage and Monitoring.** The building administrator is responsible for properly storing and monitoring medications administered by School District personnel. Medications will be secured by lock; and, access to medication storage keys will be limited to the building principal and designated school staff. Following administration, the medication container will be properly sealed and returned to storage.

#### **5704.2-AR Administration of Medication by Students**

Students are prohibited from sharing or administering medication with or to each other, except in cases of a life-threatening emergency. The building administrator may grant a student permission to self-administer medication if the student's parent has provided written permission. For prescription medications, the parent must also provide the building administrator with written approval of the student's physician. A student who has been approved for self-medication may have in his/her possession only the quantity of medication needed for that school day, unless otherwise approved, in writing, by the building administrator.

<b>5706-AR</b>	<b><i>Seclusion and Restraint</i></b>
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#### **5706.1-AR Seclusion and Restraint**

The Superintendent designates the School District's Executive Director, Special Education to notify relevant School District personnel of applicable legal restrictions on seclusion and restraint and to arrange for such training as may be required by law.

<b>5707-AR</b>	<b><i>Wellness</i></b>
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#### **5707.1-AR Wellness (Revised 11.30.2018)**



The Superintendent establishes the School District's Wellness Committee. The Superintendent delegates to the School District's Nurse the duty of appointing and coordinating the duties of the Wellness Committee. The School District's Nurse and Wellness Committee will comply with all applicable legal requirements including, but not limited to: proposing and, upon the Superintendent's approval: implementing School District nutrition and physical activity standards; integrating the School District's nutrition and physical activity standards into the School District's curriculum consistent with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education; assuring that School District staff professional development addresses nutrition and physical activity issues; and, assuring School District students receive nutrition education and engage in vigorous physical activity. The School District will promote nutrition standards by ensuring all foods and beverages sold, marketed, or provided to students meet the USDA Nutrition Standards for School Meals and USDA Smart Snack in School nutrition standards. The School District Wellness Committee will also develop and deliver a regular report to the Superintendent, including: monthly School District menus and meal counts; a la carte, vending and competitive foods sold on School District premises; and, physical activity and program opportunities for School District students. At least once every three years, the School District's Nurse will report to the School District's Superintendent: the extent to which this regulation compares to model school wellness policies; the extent to which the School District's schools are in compliance with this regulation; and, the School District's progress in attaining the goals established by the Wellness Committee. The School District will make the report and any updates to this policy available to the public. The School District will provide information on how the public can participate on the wellness committee and assist with the development and implementation of this policy.

#### **5707.2-AR      Concussions**

The School District's Nurse is responsible for making available to physical education teachers and the coaches of extracurricular athletic activities educational materials that address the signs, symptoms and consequences of concussions. Students may not be permitted to participate in a physical education class or extracurricular athletic activity until the receipt of such education materials has been acknowledged by the student and his/her parents. The building principal will maintain the signed receipt in the students CA-60.

*Athletics* - Medical clearance should only be provided after a graduated return to play plan has been completed and the student has been symptom free at all stages. The student must be completely symptom free at rest and during exertion prior to returning to full participation in physical activity. All return to play protocols will be completed prior to an athlete returning to competition; the rate of progression and final clearance is determined by the athletic trainer and a physician.

The return to play protocol is as follows:

PHASE 1: No activity: Complete physical and cognitive rest.

PHASE 2: Light aerobic exercise: Walking, swimming or stationary cycling keeping intensity <70% MAX HR. No resistance training.

PHASE 3: Sport Specific Activities (Non-Contact); continue to increase HR.

PHASE 4: Non-contact training drills. Allowed to practice when non-contact drills are performed: must sit out for contact drills.

PHASE 5: Return to full contact practice with no restrictions.

PHASE 6: Return to games/competition

\*If the athlete exhibits any return of symptoms during the return to play process, the protocol is suspended immediately and will continue where the athlete left off, only when the athlete is symptom free for 24 hours.

### Medical Clearance

In the event that a student has not completed the return to play protocol above, and/or has not been cleared to play by a team physician, the student's parents may choose to have the child cleared by an outside healthcare professional. The MHSAA (Michigan High School Athletic Association) states that an athlete may be cleared to return to activity only by an M.D., D.O., Physician's Assistant, or Nurse Practitioner and this clearance is not allowed on the same date on which the athlete was removed from play. Therefore, the athlete must have a written clearance to give to their school's healthcare professional before returning to any activity. The parents must also complete a Return to Play Waiver before the student can return to play.

## **5708-AR      *Epinephrine Auto-Injectors (Epi-Pens) and Opioid Antagonists***

### **5708.1-AR      Epinephrine Auto-Injectors (Epi-Pens)**

Student Possession and Use. Students may possess and, if necessary, use epi-pens on School District premises and at school-related activities, programs and events if the following three conditions are met:

1. The student has permission to use the epi-pen from his or her physician and, if the student is a minor, from his or her parent(s);
2. The building administrator has received a copy of the necessary written permissions; and,
3. The school has on file a written emergency care plan (or IEP or 504 Plan that includes a written emergency care plan, however designated) prepared or approved by a licensed physician in collaboration with the student and the student's parent(s) that is updated as necessary to account for any change in the student's circumstances.

The building administrator will notify each teacher of each student in his or her classroom who is permitted to possess and use an epi-pen pursuant to this regulation.

Under no circumstances should District students administer opioid antagonists to themselves or others.

District Acquisition and Maintenance. The School District will acquire and deliver at least two otherwise unassigned functioning epi-pens and at least one otherwise unassigned functioning package of an opioid antagonist to each school building. The building administrator is responsible for maintaining the epi-pens and opioid antagonist at his or her building, making them readily accessible to designated staff members and notifying the Superintendent if the building administrator believes the necessary number of epi-pens is not available or functional.

Training and Designation. The School District is responsible for training a sufficient number of staff members in each school to properly administer epi-pens, as follows: at least one staff member if the instructional and administrative staff is less than 10; and, at least two staff members if the instructional and administrative staff is more than 10. For opioid antagonists, the School District is responsible for training at least two staff members in each building which stores an opioid antagonist. All training will be supervised, evaluated and approved by a licensed registered professional nurse. The building administrator is responsible for designating the necessary number of staff members to administer epi-pen injections on school grounds. The building administrator is also responsible for informing other school personnel which staff members have been designated to administer epi-pen injections or opioid antagonists on school grounds and for notifying the Superintendent if there are an insufficient number of trained or designated staff members in the building.

Administration of Epi-Pen Injectors and Opioid Antagonists. Designated staff members who have been trained in accordance with these procedures are required to administer an epi-pen injection to any person on school grounds who is believed to be suffering an anaphylactic reaction or an opioid antagonist to any person on school grounds who is believed to be suffering from an opioid-related overdose.

An anaphylactic reaction is a severe, potentially life-threatening allergic reaction that may occur within seconds or minutes of exposure to an allergen. Common allergens that cause anaphylactic reactions in school include, but are not limited to, peanuts and tree nuts and venom from bee stings. All administrators and teachers are required to notify a designated staff member in the event he or she believes an individual on school grounds is suffering an anaphylactic reaction.

An opioid-related overdose is a condition which includes, but is not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, death that results from the consumption or use of an opioid or another substance with which an opioid was combined or that an individual who has received training approved by a licensed registered nurse in the administration of an opioid antagonist would believe to be an opioid-related overdose that requires medical assistance.

Reporting. The building administrator is required to notify the parent of any student who receives an epi-pen injection or opioid antagonist at school and call 911 for any student believed to be experiencing an opioid-related overdose. When notifying the parent about a student's opioid-related overdose, the building administrator is required to encourage the parent to seek treatment for the student from a substance use disorder services program licensed under part 62 of the Public Health Code, 1978 PA 386. Notification is to be made to the Superintendent and the School District's Nurse at the same time. The Superintendent designates School District's Nurse to annually report to the Michigan Department of Education the number of epi-pen injections and opioid antagonists provided to students at school each year; the number of epi-pen injections to such students who were not previously known to have allergies; and, the number of students who were administered epi-pens and opioid antagonists from the School District's stock of epi-pens and opioid antagonists.

<b>5709-AR</b>	<b><i>Cardiac Emergency Response Plan</i></b>
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**5709.1-AR      Cardiac Emergency Response Plan**

Equipment. The School District will purchase and maintain a sufficient number of automated external defibrillators (AEDs) so that an AED is available on school grounds within three minutes of sudden cardiac arrest. AEDs will be purchased from or through a supplier listed on the Michigan Department of Education's (MDE) list of Approved Providers for First Aid and CPR. Each building principal will be responsible for: notifying his or her supervisor when a sufficient number of AEDs are not available or not in working order; and, informing staff members where the AEDs are located. Each building principal will be responsible for posting the locations of AEDs in a public place in the office and in the teachers' lounge.

Training. All building administrators, 50% of sports coaches, 50% of physical education teachers and 10% of other staff members will be trained and certified in cardiopulmonary resuscitation techniques (CPR) and the use of AEDs. The School District will be responsible for securing and arranging the necessary training from or through a supplier listed on MDE's list of Approved Providers for First Aid and CPR. Each building principal will be responsible for informing all school staff members of the identities of trained staff members and informing his or her supervisor if the number of trained staff members falls below the requirements of this regulation. The building principal will be responsible for conducting at least one cardiac emergency response drill per year.

Sudden Cardiac Arrest

Sudden cardiac arrest is the sudden, unexpected loss of heart function, breathing and consciousness. Sudden cardiac arrest is a medical emergency. If not treated immediately, it causes sudden cardiac death. Sudden cardiac arrest symptoms are immediate and drastic and may include sudden collapse, no pulse, no breathing or loss of consciousness. Sometimes sudden cardiac arrest is preceded by fatigue, weakness, palpitations or vomiting. Other times, sudden cardiac arrest occurs without warning. Reference: Mayo Clinic Web Site.

#### Emergency Response to Sudden Cardiac Arrest

Each school's cardiac emergency response team will consist of the building principal, or his or her designee, any trained or untrained staff member who observes a person who may be experiencing sudden cardiac arrest at school and any trained or untrained staff member who is notified, as required by this regulation, that a person may be experiencing sudden cardiac arrest at school.

An untrained staff member who observes a student or other person who may be experiencing sudden cardiac arrest at school must immediately: call 911 and notify the operator of the victim's name, sex, age or approximate age, condition and location; notify the office; notify a trained staff member; and, retrieve the nearest AED.

A trained staff member who observes a student or other person who may be experiencing sudden cardiac arrest at school must immediately: call 911 (and report to the operator as described above); notify the office; and, attend to the victim according to his or her training.

Building administrators, upon observing or being notified that a student or other person may be experiencing sudden cardiac arrest at school, must immediately: call 911 (and report to the operator as described above); secure the emergency card (in the case of a student); report to the scene of the emergency with an AED and any medication prescribed for the student; and, attend to the victim according to their training. The building principal must notify the parents of any student who may have experienced sudden cardiac emergency.

All staff members are responsible for removing students from the area of the emergency and taking steps to provide for their appropriate supervision.

#### Report

The building principal must report all incidents of suspected sudden cardiac arrest, in writing, to the Superintendent.

#### MI HEARTSafe School Award Program

Building principals may apply for, obtain and maintain designation as a MI HEARTSafe School.

#### Annual Review and Evaluation

Annually, each building administrator will review this regulation with building staff and, if warranted, provide his or her supervisor with recommendations for revision.

**Effective: November 30, 2018**

## **6000**

## **BUSINESS**

### **6001-AR**

### **General**

#### **6001.1-AR Post-Issuance Tax Compliance**

This regulation establishes guidelines and procedures in connection with tax-exempt or tax-advantaged bonds and other debt obligations issued by the School District (generally referred to as “Obligations”). Tax exempt borrowings and other borrowings of the School District, including but not limited to tax-exempt bonds, refunding bonds, tax credit bonds, installment and lease purchase agreements, lines of credit, and state aid notes (SAN) and tax anticipation notes (TAN) are collectively referred to as “obligations”.

The School District intends to ensure that all tax-exempt obligations issued by the District satisfy all requirements of the Internal Revenue Code of 1986, as amended (the “Code”) and regulations there under (the “Regulations”). The Internal Revenue Service (IRS) has recommended that issuers of tax-exempt and tax-advantaged obligations have written procedures in place to enable the issuer to effectively monitor the post-issuance compliance requirements outlined in the IRS Code. Accordingly, the School District will maintain a procedure for post-issuance compliance that encompasses the following key elements: due diligence review at regular intervals; identifying the District official or employee responsible for review; training of the responsible District official or employee; retention of adequate records to substantiate compliance (e.g. records relating to expenditure of proceeds); procedures reasonably expected to timely identify noncompliance; and, procedures that the issuer will take steps to timely correct noncompliance

The School District reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as circumstances warrant. The School District also reserves the right to amend this policy and all related procedures from time to time as deemed necessary in the District’s sole discretion. In addition, this policy is subordinate to the Code and any regulations thereto and is subject to amendment or deletion depending on the content of any new regulations or Code amendments promulgated by the United States Treasury.

### **6002-AR**

### **Budget Planning and Adoption**

#### **6002.1-AR Budget**

The Superintendent designates the School District’s Assistant Superintendent for Business Affairs as the administrator with primary responsibility for developing and proposing the District’s annual budget and any necessary or prudent budget revisions.

The Assistant Superintendent for Business Affairs will develop and present the Superintendent with a proposed annual budget on or before June 1 of each school year. The proposed annual budget will meet all applicable legal requirements and will be consistent with Board policy. The Assistant Superintendent for Business Affairs will develop and present to the Superintendent such proposed amendments to the District’s annual budget as may be warranted by the District’s financial circumstances.

The Assistant Superintendent for Business Affairs will prepare and submit the applicable reports and data that the District is required to file with the State of Michigan and/or post on its web site. The Assistant Superintendent for Business Affairs will also prepare and deliver such other reports and data as may be requested by the Board or the Superintendent.

### **6003-AR**

### **Purchasing**

#### **6003.1-AR Generally**

The School District must procure supplies, equipment and services to carry out its educational mission. The Assistant Superintendent for Business Affairs may recommend to the Superintendent revisions to these administrative procedures necessary to accomplish these goals.

### **6003.2-AR Procurement Using Federal Grants and Awards**

The following administrative procedures must be followed with respect to federal grants and awards:

**Cash Management** Cash management procedures are governed by 2 CFR 200.305. The regulation permits the School District to make payments to vendors by electronic funds transfer, check, warrant or other means that minimize the time that elapses between the transfer of federal funds to the School.

**District and Their Disbursement to the School District Vendor** Advance payments of federal grants and awards to the School District must be deposited and maintained in insured accounts, whenever possible. Advance payments of federal grants and awards to the School District must be deposited in interest bearing accounts, unless: the School District receives less than \$120,000 in federal awards and grants per year; the best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on federal cash balances; the depository requires an average or minimum balance so high it would not be feasible given federal and non-federal case resources; or, a foreign government or banking system prohibits or precludes interest bearing accounts. Interest earned amounts up to \$500 per year may be retained by the School District for administrative expense. Interest earned over \$500 must be returned according to the procedures described in the regulation.

**Allowability** The allowability of costs posted against federal grants and awards is governed by the program legislation, pertinent federal agency regulations, including those referenced in 2 CFR 200.302(b)(7), and the terms and conditions of the grant or award. School District personnel are also expected to comply with OMB Circular A-87, entitled "Cost Principles for State, Local and Indian Tribe Governments;" applicable Michigan law; and, applicable School District policies and administrative procedures.

The School District's Assistant Superintendent for Business Affairs must approve all costs posted against federal grants and awards and, then, only after the School District's grant or award manager has approved a received bill or invoice. Payroll costs will be documented according to OMB Circular A-87. When permitted by the grant or award, indirect costs will be charged using the rate approved by the Michigan Department of Education.

**Conflicts of Interest** Conflicts of interest are governed by 2 CFR 200.318. School District Board members, employees and agents engaged in the selection, award or administration of contracts paid for, in whole or in part, by federal grants and awards may not have a prohibited conflict of interest. A prohibited conflict of interest exists when a School District Board member, employee or agent (or any members of his or her immediate family) has a financial interest in or has or would receive a tangible personal benefit from a firm considered for such a contract. A School District Board member who violates this administrative regulation is subject to discipline by the Board of Education or the Governor. A School District employee or agent who violates this administrative regulation is subject to discipline, up to and including discharge. This administrative regulation does not, and should not be interpreted to, supersede or diminish other laws, Board policies or administrative procedures concerning prohibited conflicts of interest.

**Procurement Procedures** School District procurement procedures are governed by 2 CFR 200.319. School District procurement solicitations must: include a clear and accurate description of the technical requirements for the material, product or service to be procured that does not, in competitive procurements, contain features that unduly restrict competition by prospective vendors; and, identify all requirements prospective vendors must fulfill and all other factors the School District will use in evaluating bids or proposals.

**Evaluations of Proposals** Most, but not all, solicitations for supplies, materials and services paid for, in whole or in part, by federal grants and awards involve competitive bidding. 2 CFR 200.320 is applicable to such situations. Among other things, the regulation requires the School District to create a written description of the manner in which the School District will conduct its technical evaluation of proposals by prospective vendors.

**Travel** See 2 CFR 200.474. The travel costs (i.e., transportation, lodging, subsistence and related costs) for School District Board members, employees and agents may not be paid from federal grants and awards unless: they would be reimbursed pursuant to applicable School District policies and procedures; and, the individual's participation is necessary to the federal grant or award.

### **6003.3-AR Petty Cash**

The Board recognizes the convenience afforded in the day-to-day operation of the District by the establishment of one or more petty cash funds. The Board shall require the use of internal controls that will prevent abuse of the funds.

Each custodian of a petty cash fund shall insure that the funds in his or her care shall be disbursed only for minor expenditures. No petty cash fund may be used to circumvent the purchasing procedures required by law, the policies of this Board, and/or administrative regulations. A request for petty cash funds must be made in writing, signed by the person making the request and include such supporting documentation as may be appropriate. The petty cash box must be secured daily.

The custodian of each petty cash fund shall prepare a schedule of disbursements when the funds available in petty cash have declined to approximately 25% of the full amount authorized and shall show the disbursements by line account numbers. The custodian shall submit the schedule to the controller with a voucher requesting replenishment in like amount.

Building petty cash funds will be closed out for audit at the end of the school year and unused funds will be returned to the depository.

### **6003.4-AR Purchasing and Construction**

As reflected in the Board of Education Policies, the School District will construct new building and add to or renovate existing buildings through competitive bidding as required by law. The School District will also purchase materials, equipment, and supplies for School District operations on a competitive basis as required by law. Professional services are not covered by this Regulation.<sup>2</sup>

Procedures:

- Any construction of new buildings or additions or renovations of existing buildings will, to the extent required by law, be based on competitive bidding.
- All purchases of materials, equipment and supplies will be made through the issuance of a purchase order signed by the School District's Assistant Superintendent for Business Affairs.
- Prior to issuing a purchase order, competitive pricing is to be pursued as follows:
  1. Competitive bids. The competitive bidding process will be followed where required by law.

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<sup>2</sup>The criteria for awarding contracts for professional services will be determined by the Superintendent on an ad hoc basis.

2. Purchases not subject to competitive bidding. In all other instances, the School District shall use measures, considered reasonable under the particular circumstances, intended to secure the highest quality product at the lowest possible price.
- Generally, orders or contracts will be awarded to the lowest, responsible, qualified vendor, considering the following factors: price, quality, conformance to specifications and identified needs, service and maintenance, and vendor reliability.

#### **6003.5-AR Procurement of Professional Services**

Professional services, such as architectural, legal, engineering, consulting and auditing services, frequently require familiarity with School District personnel, practices and facilities. The School District recognizes there are advantages in maintaining continuity in the provision of these services and does not require bidding or annual re-bidding, except in cases where the Superintendent or Board of Education considers it in the School District's best interest. Periodically, the School District may competitively bid such services to ensure that service and pricing are aligned with the School District's best interests and industry norms.

### **6004-AR Surplus Property**

#### **6004.1-AR Generally**

The Superintendent, or designee, will develop a process for the periodic review of all real and personal property owned by the School District to determine whether any property is no longer needed for School District purposes. This may be due, in part, to the fact that the property is outdated or broken and beyond repair.

#### **6004.2-AR Disposal of Real Property**

Real property consists of School District land and buildings and fixtures.

The Superintendent, or designee, will periodically review the real property owned by the School District to determine whether any such property is believed to be no longer needed for School District purposes. The Superintendent, or designee, will, based on this review, recommend to the Board of Education that it consider disposing of any real property that has been identified as no longer needed for School District purposes. The recommendation may include the estimated value of the property and possible means of disposition. In cases when the Board authorizes the sale or other disposition of real property, the Superintendent may, with concurrence of the Board, establish the asking price and other minimum terms. This information may be disseminated to real estate brokers, agents, and other persons who have indicated an interest in acquiring the property and the property may be listed or advertised for sale.

If the Board resolves to dispose of surplus real property by seeking bids or offers, the Superintendent, or designee, will solicit bids by publishing a notice including the following information and conditions: (A) that sealed offers (or bids) are being solicited; (B) the date for submission of offers (or bids) with a statement that late offers (bids) will not be considered; (C) the type of offers desired – cash, lease or exchange; (D) the amount of an earnest money deposit which must accompany an offer; (E) that the property is offered "as is," unless otherwise authorized by the Board; (F) that the person seeking to acquire the property will be given an opportunity, at the prospective purchaser's sole expense, to inspect and perform testing customarily required in connection with the purchase of similar property during a period of not more than ninety (90) days (unless otherwise authorized by the Board) and that restoration of the premises and indemnity will be required to be provided by the person or entity seeking to acquire the property; (G) that title insurance will be provided by the School District; (H) that the offer must be irrevocable for ninety (90) days; (I) that a contract to dispose of real property owned by the School District shall not be binding upon the School District unless and until approved by the Board of Education through resolution at a public meeting and executed by the person or persons specifically authorized to do so by the Board; and, (J) that



the School District reserves the right to accept or reject any and all offers, in whole or in part, and reserves the right to negotiate the terms and conditions of any offer deemed to be in the best interest of the School District. Bids or offers solicited in this fashion will be forwarded to the Board with the recommendation of the Superintendent.

#### **6004.3-AR Disposal of Personal Property**

The Superintendent, or designee, will periodically prepare a list of the personal property of the School District that is found to be no longer needed for School District purposes. The property shall be classified within broad groupings.

The list shall be submitted to the Board of Education with a recommendation for disposal of the same. If the Board approves the disposal of some or all of the property, the Superintendent or his/her designee may proceed with the sale or other disposition of the property. The method of sale or disposition shall depend on the nature of the property and other circumstances. All determinations shall be made based upon what is considered to be in the best interest of the School District.

#### **6004.4-AR Disposal of Property**

These procedures shall apply only to tangible personal property where specific disposal procedures are not required by state or federal gift, purchase or grant restrictions.

All departments, schools and other facilities shall submit to the Purchasing Agent, a statement of all properties which are obsolete, worn out, surplus or no longer usable for any reason. The Supervisor of the department and the Purchasing Agent shall certify the above status and estimate the fair market value of the item in its surplus state.

The Purchasing Agent shall appraise the property with regard to establishment of value and determination of the disposal procedures. Upon determination of value the Purchasing Agent shall take the appropriate actions:

- A. Check to see if other buildings or departments have a need for this equipment.
- B. Order the surplus properties to be placed in a central storage area to be inventoried and then disposed of when and if sufficient items have been accumulated to warrant sale or gift.
- C. Order the equipment to be offered for sale by public offering and/or competitive bid. Where estimated value exceeds \$5,000 the Board of Education must approve the sale.
- D. Recommend for approval by the Superintendent that equipment might favorably be sold or donated to any of the following: 1. Public Schools 2. Non-public Schools 3. Municipalities or Public Agencies 4. General Public A log should be kept of all items to be sold or donated for inspection by the Board of Education and the Superintendent of Schools.
- E. If an item is being replaced, and it is deemed advisable, it will be used as a trade-in item.
- F. Order the stock or items to be removed via normal rubbish or dump procedures. The Board reserves the right to waive irregularities and to reject any or all bids. Income realized by the sale of surplus property shall accrue to the General Fund.

### **6005-AR Investments**

#### **6005.1-AR Investments**

The Superintendent designates to the School District's Assistant Superintendent for Business Affairs primary responsibility for the investment of School District funds. The Assistant Superintendent for Business Affairs will publish operating procedures that will be delivered to the Superintendent and Board of Education for approval. These procedures will include: the specific delegation of authority to persons responsible for investment transactions; and, a system of controls to regulate investment activities, to be reviewed annually by the School District's independent auditor. The controls will include: (A) control against improper collusion; (B) the separation of transaction authority from accounting and record keeping; (C) custodial safekeeping; (D) the written confirmation of transactions for investments and wire transfers; and, (E) the development of a form wire transfer agreement.

The Finance Director will prepare a monthly report for the Superintendent concerning the District's investments included with the monthly Finance Committee report. Each of the Finance Director's reports may include detailed information such as: portfolio diversification; maturity structure; potential risk; and, a comparison of the performance of the School District's portfolio with generally followed market measures.

## **6006-AR Risk Management**

### **6006.1-AR Risk Management**

The School District promotes safety and accident prevention for its students and employees in consultation with its insurer(s). The following ongoing measures are designed to further this undertaking: building principals will regularly report to the Superintendent or his/her designee - all accidents, injuries and property loss or damage within their school buildings and perceived risks of future harm. The Assistant Superintendent for Business Affairs or designee will review all School District insurance policies and recommend to the Superintendent and the Board of Education areas in which modifications in coverage are warranted.

## **6008-AR Meal Charge**

### **6008.1-AR Meal Charge**

This administrative regulation gives effect to the Board of Education's Meal Charge Policy.

**Requests** Parents may request reduced-price or full-price meal benefits by completing a Free and Reduced Meal Application found at <http://www.rochester.k12.mi.us/pages/350/food-services> or by contacting the food service department at 248-726-4602.

**Meal Account Balance** Payment for school meals is expected at the time of purchase. Parents are expected to regularly monitor their child's meal account balance online at <https://rcsvue.rochester.k12.mi.us/>

**Positive Balances** Any unpaid meal charges or money remaining in a student's meal account balance will be carried over to the next consecutive school year. The School District will refund balances in excess of \$5.00 if the student is leaving the District. The District does not refund balances of \$5.00 or less due to the administrative costs associated with creating a refund.

**Insufficient Funds** The School District recognizes that, at times, students may come to school without sufficient funds in their meal account balance. If so, elementary school students may charge up to \$12.30 or \$4.10(per day) middle school students may charge up to \$8.70 or \$4.35 per day and high school students may charge up to \$4.35 in total. After the maximum number of lunches have been charged, an emergency lunch will be provided. The emergency lunch will consist of a cheese sandwich, fruit, vegetable and milk. No more than five emergency lunches will be provided per child per school year. Emergency lunches will

be charged to the student's meal account and the student's parents or guardians are responsible for reimbursing the School District for the full amount of any emergency meals. The School District does permit charging for breakfast.

**Negative Account Balances.** Students who have money to pay for a reduced-price or full-price meal at the time of service shall be provided a reimbursable meal, even if they have incurred a negative account balance. The School District will not use funds students have in-hand to repay a negative balance or other unpaid meal charge debts. Students who qualify for full-price meals will not be denied a reimbursable meal, even if they have incurred a negative meal charge balance from the purchase of additional cafeteria items, such as a la carte items. If students have incurred a negative account balance, they will not be permitted to purchase additional cafeteria items above and beyond the reimbursable meal provided.

### **Notification and Collection**

**Low Account Balances.** The School District will notify the student's household by email or, if the District does not know the parent's email address, by telephone when a student's meal account balance falls below \$5.00 for three consecutive days. The notification will include the current account balance. The District may choose to use the following sample email and/or school messenger call:

Hello [parent/guardian]. This is the RCS food service department. We are contacting you to let you know that your student (name) has a low balance of \$5.00 or less in their school meal payment account. To ensure your child has enough money to purchase school meals, please add funds to their account as soon as possible. You may do so by going to [www.myschoolbucks.com](http://www.myschoolbucks.com) and using a debit or credit card. You can also send in a check to your student's school payable to RCS food service. If you have any questions, please call the food service department at (248)726-4602. Thank you.

District personnel shall keep records of all such phone calls or emails sent which will include the date and time of the phone call or email, and the telephone number or email address used.

**Negative Meal Charge Account Balances.** The School District expects all delinquent debts will be paid in full on the last day the student will be in attendance for the relevant school year. Before uncollectable/delinquent debt can be reclassified as bad debt, the food service department must make reasonable efforts to collect on the debt and keep detailed records showing the efforts made, as follows:

- Once a student's meal charge account balance becomes negative for three consecutive days, the food service department will contact the household by email or, if the parent's email address is not known, by telephone to request payment. The food service department will also inform the parent of the School District's reduced-price and full-price meal program. The food service department will inform the parent that the matter will be turned over to the building principal if no payment is received within one week.
- If no payment on a student's negative meal charge balance is received within one week, the food service department will contact the building principal. The principal (or his or her designee) will contact the student's parents by email or, if the parent's email address is not known, by telephone, to determine an appropriate solution.
- If no payment is received within one week, a letter will be sent to the household notifying the debt will be turned over to a collection agency if no payment is received within 30 days of receipt of the letter or the end of the school year, whichever is first, and the student's meal

account will be closed. The District may choose to use the following sample letter, or some variation thereof:

[Parents/Guardian]  
[Address]  
[City, State, Zip Code]

[Date]

Dear [Parents/Guardian]:

The goal of Rochester Community School's lunch program is to provide healthy meals to children during the school day. In order to serve healthy, high-quality meals, we must make sure we are financially secure. You play a key role in this effort, and are responsible for purchases made by your child in our school cafeteria.

**As of [date], your child has a negative account balance of \$[X].** We strongly encourage you to pay this amount as soon as possible. Your response to this request is important. Paying back this debt will help keep our food service program strong and ensures all children at our school have access to the healthy food they need to focus in the classroom. We understand that mistakes happen. But meal payments are important to our program, and we must collect your cafeteria debt.

Please contact Tracy Hizer in the food service department if you have any questions. To review Rochester Community School's Meal Charge Policy, please visit <http://www.rochester.k12.mi.us/pages/5103/6000-finances>. We would be happy to work on a repayment plan with you.

You may pay your child's negative account balance at [www.myschoolbucks.com](http://www.myschoolbucks.com) using a debit or credit card or by sending a check payable to RCS food service to your student's school.

Please note that if your child has incurred a negative account balance, and you do not pay off the balance within 30 days of receipt of this letter, or by the end of the school year, whichever is first, we will have no choice but to send the negative balance to collections and close your child's meal account.

If you think your child may qualify for a free or reduced-price meal, please submit a free and reduced –price school meals application to your student's school office found at <http://www.rochester.k12.mi.us/pages/350/food-services>

Thank you for your quick payment.

Sincerely,

Tracy Hizer  
Director of Dining Services  
(248)726-4650

CC: Dana Taylor  
Assistant Business Superintendent

District personnel shall keep records of all such letters sent.

**Bad Debt** The School District defines bad debt as uncollectable/delinquent debt that has been determined to be uncollectable by June 30th of the fiscal year in which the debt was incurred or, in the event the debt was transferred to the next consecutive school year, June 30th of the next fiscal year. Debt is considered uncollectable/delinquent if the District has exhausted its collection attempts, as described in the preceding section. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, the debt is classified as bad debt. Bad debt shall be classified as an operating loss.

Once classified as bad debt, non-federal funding sources must reimburse the nonprofit school food service account (NSFSA) for the total amount of the bad debt. The funds may come from any non-federal funding, including: the School District's general fund, state or local funding, or school or community organizations such as the PTA. Bad debt also includes losses (whether actual or estimated) arising from uncollectable accounts, including costs associated with collection efforts or legal costs incurred prior to its classification as bad debt.

**Recordkeeping** Once uncollectable/delinquent debt charges are converted to bad debt, the School District shall maintain records relating to those charges.

Audits and Reviews. Upon request, the District must make accounts and records regarding its school food service available to the Michigan Department of Education and/or the United States Department of Agriculture, Food and Nutrition Service for audit or review.

Such records shall be retained for a period of three years after the date of the final claim for federal reimbursement for the fiscal year in which the charges were incurred. The District may be required to keep such accounts and records for more than three years if the audit or review results in issues that require District correction, up until all such issues are resolved.

**Competitive Foods** Competitive foods means all food and beverages other than meals reimbursed under programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966, which are available for sale to students on District campuses during the school day. The District is responsible for maintaining records in compliance with the nutrition standards for all competitive foods, as defined under 7 CFR 210.15(b). The District is also responsible for ensuring departments or third-party organizations responsible for food service at its schools maintain records documenting compliance with the nutrition requirements for the foods and beverages sold to students. At a minimum, such records must include receipts, nutrition labels and/or product specifications for the competitive food available for sale.

## **6015-AR**

## **Recognition, Food and Entertainment**

### **6015.1-AR Travel Reimbursement (Revised 11.30.2018)**

District employees will be reimbursed for reasonable expenses incurred for pre-approved District-related travel, but will not be reimbursed for alcoholic beverages. District employees will be reimbursed up to the then prevailing IRS rate for out-of-district mileage incurred on pre-approved District-related travel. The Conference Registration Form sets forth important reminders about timelines, submission of claims, mileage, meal and hotel reimbursement. Guidelines set forth on the form must be strictly followed.

### **6015.2-AR Recognition, Food and Entertainment (Former 6840AR) (Added 11.30.2018)**

The District encourages mutually beneficial collaboration with individuals and other organizations to provide private funds or grant funds for the purposes of recognition, food, and entertainment. District funds are not to be expended for entertainment or staff/volunteer recognition. If expenditures are funded from a grant or other source of private funds for that specific purpose, the provider agreement/contract should be followed.

#### Recognition

An expenditure of not more than \$10 dollars per student per recognition may be allowed if it is provided for within the budget of the cost center and approved by the budget administrator. Typical awards may be certificates, patches, pencils, folders, embroidered letters, pins, photos, or other mementos.

Only private funds or grant funds can be used for staff or volunteer recognition expenditures.

#### Food/meals Outside the District

An employee is eligible for travel status and meal reimbursements for out-of-district duties that require an overnight stay or when an offsite location requires the employee to travel 2.5 hours before or 2.5 hours after business hours. See Travel Reimbursements 6015.1 for further information.

#### Food/meals Within the District

Food/refreshments/meals may be provided for:

- Employees who are participating in an activity outside the normal work hours, outside their job duties, where they receive no other district compensation (example: professional development outside work hours).
- Employees acting in an emergency situation who are unable to leave their workstation to obtain meals during a normal break period.
- When mandated training is scheduled with refreshments because it cannot be scheduled at any other time or may be less expensive than providing substitute workers (Budget controller over area must confirm there were no other options for scheduling).
- Employees who attend meetings sponsored by outside agencies, when the meal is a part of the program and approved by the budget controller.
- Volunteers who work over four (4) hours and receive no compensation.

#### Food will not be provided for:

District staff while in the school district performing their normal duties.

### Entertainment

Only private or grant funds can be used for entertainment expenditures.

**Effective: November 30, 2018**

## **7000-AR                      FACILITIES AND OPERATIONS**

### **7002-AR                      Safety and Security**

#### **7002.1-AR Safety and Security**

A comprehensive facilities inspection and maintenance program will assure that School District facilities and grounds are kept safe, clean and attractive. The Assistant Superintendent for Business Affairs/designee will coordinate an inspection program that includes, at a minimum: mechanical systems (heating, ventilation and air conditioning); electrical (interior and exterior); roofs; windows and doors (interior and exterior); gates and fences; interior surfaces (floors, ceilings, walls); fire equipment; restrooms (accessibility, functionality and cleanliness); sewers; playgrounds and other school grounds; and, overall cleanliness.

As necessary, the Assistant Superintendent for Business Affairs/designee will prepare and submit to the Superintendent a report of desirable or necessary repairs and improvements.

### **7004-AR                      School Crisis and Response**

#### **7004.1-AR School Crisis and Response**

The Superintendent will appoint a Critical Incident Team. The Team will meet annually to review and consider revisions to the School District's School Crisis Response Plan. The Superintendent authorizes and directs the principal of each building to appoint a Critical Incident Team to respond to and coordinate the response to crises that may arise at the building. The principal of each building will notify the Superintendent of the members of the building's crisis team no later than September 15 of each school year.

### **7005-AR                      Hazardous Chemicals and Substances**

#### **7005.1-AR Hazardous Chemicals and Substances**

Hazardous chemicals and other substances are present in school buildings and other School District facilities. In order to maintain a safe environment for students, staff and other members of the school community, the following measures will be taken:

Hazard Communication Program. The Assistant Superintendent for Business Affairs will have primary responsibility for conducting an annual review and making recommendations to the Superintendent for revisions to the School District's Hazard Communication Program. The Program will include, at a minimum: container labeling; safety data sheets; employee information and training; and, the identification of hazardous substances known to be present within the School District.

Procedures for Storage and Disposal of Chemicals. The Assistant Superintendent for Business Affairs will develop procedures for the storage and disposal of chemicals used within the School District.



## **7008-AR**

## **Integrated Pest Management**

### **7008.1-AR Integrated Pest Management**

The School District will provide students, staff and members of the school community with a school environment that is free of pests while reducing the use of harmful pesticides. The Assistant Superintendent for Business Affairs is designated the Integrated Pest Management manager for the School District. He/she will: review and recommend to the Superintendent revisions to the School District's Integrated Pest Management Plan; application strategies, and select in each particular instance, the least toxic control method to manage problems; and, educate and train staff on pest identification and, safe application strategies.

## **7009-AR**

## **Transportation**

### **7009.1-AR School Bus Transportation Program**

As determined by the School District, school buses will be acquired, operated, secured and maintained by the School District or its contracted provider for the transportation of eligible children between their home and school of attendance, and for school-related trips.

**School District Discretion** The School District will select bus stops at its discretion. Disabled students will be transported in the manner required by law. The District will determine, on a case-by-case basis and in the Superintendent's discretion, the extent to which students and others (such as chaperones) are eligible for transportation to and/or from field trips and extra-curricular activities. Non-public student transportation will be provided in accordance with applicable laws.

**Use of School Buses for Non-School Functions** School buses will not be loaned or rented to commercial, private or non-profit organizations, or any other organization, without the express written approval of the Superintendent.

**Transportation Fees** A fee may be collected for transporting students enrolled in the District's K-12 program provided students are being transported to or from a non-mandatory and non-credit event(s) sponsored by the School District and/or other activities permissible under State law. Fees charged shall cover trip expenses.

### **Transportation Appeal**

A request for busing may be submitted to the District using the following process:

#### **Step I**

- A. Parent/Guardian files a request with the Transportation Department
  - 1. Alternate Address Busing Form 076-4, to arrange for transportation to a child care provider, or;
  - 2. Inquiry Form 076-6 to request transportation, or a change in transportation service.
- B. The request is reviewed by the Transportation Department, based on the following criteria:
  - 1. Rochester Community Schools Board Policy

2. Safety
3. Medical/physical disabilities
4. Rochester Community Schools Transportation Handbook
5. Bus Stop Location Criteria checklist
6. School Bus Transportation General Information as provided by the Michigan Department of Education

## Step II

- A. If the request is denied at Step 1, the parent/guardian may then request a hearing with the Transportation Appeal Committee by filing Appeal Form 76-7 with the Transportation Department.

1. Upon Receipt of the appeal form by the Transportation Department, the following occurs:

- a. The form is date stamped, recorded in the Appeals Log Book, and scheduled for a hearing on a pre-scheduled meeting date.
- b. The Transportation Appeal Committee will review up to three (3) appeals per meeting. Additional requests, exceeding the limit, will be scheduled for the next Transportation Appeal Committee meeting.
- c. Meetings will be scheduled weekly, or less frequently, depending on need.

- B. The Transportation Appeal Committee process for review of Step II requests:

1. The Transportation Appeal Committee will review written documentation;
2. Persons wishing to provide new information to their appeal are requested to follow the procedures outlined below:
  - a. Only two (2) representatives will be allowed to address the committee;
  - b. Each appeal hearing will be scheduled for 30 minutes;
  - c. Clarification questions may be asked by the Committee but no decision will be rendered at the time of the appeal hearing.
3. The Transportation Appeal Committee's decision will be based on Board policy and practices.
4. The Transportation Appeal Committee's decision will be communicated to the parent/guardian. The decision of the Transportation Appeal Committee will be considered final.

[Link to Transportation Forms](#)

## **7011-AR Naming School District Buildings and Facilities**

### **7011.1-AR Naming School District Buildings and Facilities**

To assure that District buildings are named appropriately, the Rochester Community School District and the Board of Education specify the following guidelines:

1. The Superintendent or his/her designee will initiate the procedure for naming a building when the need becomes apparent.
2. A five to nine member screening committee composed of District employees, parents, citizens and students will be formed by the Superintendent or his/her designee.
3. The Screening Committee will reference Policy 7011 to establish the criteria for selecting a name. Additional criteria may be determined by the committee.
4. Submitted suggestions will be reviewed by the committee who will then make recommendations to the Superintendent.
5. The Superintendent will present recommendations to the Board of Education for discussion and action.

## **7013-AR Surveillance of and in School District Buildings and Facilities**

### **7013.1-AR Surveillance of and in School District Buildings and Facilities**

The district may promote school safety by employing surveillance of and in School District Buildings and Facilities. Recorded electronic surveillance will not take place inside bathrooms, locker rooms or other places where recorded electronic surveillance would compromise reasonable standards of modesty.

Recorded electronic surveillance may be or become subject to a FOIA request, a subpoena, or may be or become an education record within the meaning of FERPA. In such cases, the person receiving the FOIA request or subpoena or the building principal (in the case of an education record) will notify the Superintendent that it is or may be necessary to save the recorded electronic surveillance consistent with law and Board policy and administrative regulations.

**EFFECTIVE: 08-21-18**

## 9000-AR SCHOOL-COMMUNITY RELATIONS

### 9001-AR Goal

#### 9001.1-AR Media Utilization

The School District will: regularly post information on the School District website; consider School District-wide digital and hard-copy mailings on issues of importance; schedule public forums for the dissemination of information and to receive feedback from the community; and, work with local and other media sources to share School District information with the community.

The Director of Community Relations is the district's point of contact for all media relations. Contact information for the Director of Community Relations:

Lori Grein  
Director of Community Relations  
501 W. University Drive  
Rochester, Michigan 48307  
[Lgrein@rochester.k12.mi.us](mailto:Lgrein@rochester.k12.mi.us)  
(248)726-3127

#### 9001.2-AR Michigan Freedom of Information Act (FOIA)

**Introduction** This Regulation is published by the School District to inform the public of its rights under the Michigan Freedom of Information Act (FOIA). The regulation and guidelines, below, are not intended to, and should not be read to limit the rights actually created by FOIA. Accordingly, to the extent this regulation or the guidelines are found to be inconsistent with FOIA, or inconsistent with a future amendment to FOIA, the Act governs. The School District retains the right to revise this regulation and the guidelines.

**Requesting Public Records** Under FOIA, the Superintendent of Schools is the School District's "FOIA Coordinator". Public records may be requested by providing the School District's FOIA Coordinator with a written request that identifies the public records with enough specificity to permit the School District to locate them. The written request may be on paper or it may be electronic or digital.

A person may subscribe to public records that are created, issued or disseminated on a regular basis. A subscription is valid for up to six months and may be renewed.

The School District will not accept or respond to a verbal request for public records. However, where a School District employee receives a verbal request and is aware the public records are available on the District web site, the School District employee will notify the requestor of the website address.

**Response to Request for Public Records** The District is required to respond, in writing, to a written request for public records. The District may grant the request, deny the request or grant the request in part and deny the request in part.

**Timeline** The District has five (5) business days to respond to a written request for public records. However, if the request was sent by email and delivered to the District's spam or junk mail folder, the request is not considered received until the first day after the District actually becomes aware of the request. The District may extend the time for responding by ten (10) business days if the nature of the request justifies an extension by so notifying the person who made the request, in writing, and within the original five business day response window.

## **Types of School District Responses**

**Granting a Request.** The District's FOIA Coordinator will grant a request for public records by so notifying the requestor in a timely manner and in writing. The District will also provide notice if some or all of the public records are available on its web site and will include a specific web site address, if practicable.

**Denying a Request.** The District's FOIA Coordinator may deny a request if the request is not specific enough to allow the District to locate the public records in question by so certifying that fact to the requestor in writing. The District's FOIA Coordinator may also deny a request if the requested public records are exempt from disclosure under the Act. If only part of a public record is exempt, the FOIA Coordinator will redact the exempt part and, otherwise, grant the request.

**Allowable Fees** FOIA allows the District to charge the following fees incurred for processing and responding to FOIA requests:

**Labor Costs.** Generally, FOIA does not permit the District to charge labor costs for searching for, locating, examining, separating, or reproducing public records unless a failure to charge a fee would result in unreasonably high costs to the District because of the nature of the request in the particular instance and the District specifically identifies the nature of these unreasonably high costs. Examples of requests that may cause such unreasonably high costs include, but are not limited to: voluminous requests, requests that require time-consuming searches, significant separation or redaction of exempt documents or information, significant IT personnel time, etc. In cases where labor costs are allowable, they will be charged according to these guidelines.

**Searching for, Locating and Examining Public Records.** The District may charge labor costs directly associated with searching for, locating and examining requested public records in conjunction with receiving and fulfilling a granted request. Except as provided by the Act, the District may not charge labor costs for searching for, locating and examining public records that are on the School District's web site at the time the request is made.

**Separating or Deleting Exempt Information.** The District may charge labor costs directly associated with separating or deleting information that is exempt from disclosure under the Act, unless the District has previously redacted the public record(s) and the redacted version is still in the District's possession. The District will not charge for separating documents that are available on its web site.

**Reproducing Information.** The District may charge labor costs directly associated with duplicating or publishing public records. This includes the time spent making paper copies, making digital copies and transferring public records to non-paper physical media or through the internet, if so requested.

**Limitations on Labor Costs.** Subject to the Itemization of Allowable Fees section of this Guideline, the District may charge no more than the hourly rate and actual fringe benefits of the lowest paid employee capable of performing the particular task for which the District may charge labor costs, even if the District assigns a more highly paid employee to perform the task. The charge for fringe benefits may not exceed 50% of the employee's hourly rate. The District may not charge overtime except at the request or stipulation of the requestor. If the District's FOIA administrator determines that no District employee is capable of separating or deleting exempt information with respect to a particular request, the District may hire contracted labor to perform the task. In such cases, the District will calculate the time spent by the contracted labor in the same manner it calculates the time of its own employees and the charge for the contracted labor will not exceed six times Michigan's minimum wage. In all cases, labor costs will be charged and estimated in increments of fifteen (15) minutes, with all partial time increments rounded down.

**Reproduction Costs.**

**Non-Paper Physical Media.** The District may charge the actual and most reasonably economical cost of reproducing public records on non-paper physical media (e.g., computer discs, computer tapes or other digital or similar media). The District is not required to reproduce public records on non-paper physical media if it does not have the technology necessary to do so.

**Paper Copies.** The District may charge the actual incremental cost of reproducing paper copies of public records using the most economical means available (e.g., double sided copies, if double sided copies are available and more economical than single sided copies). In no case will the District charge more than 10 cents per sheet. The District will not charge copying costs for copying documents on its web site or the on-site inspection of public records unless the requestor requests paper copies.

**Mailing.** The District may charge the actual cost of mailing requested public records and the least expensive method of confirming delivery. The District may not charge for expedited shipping or insurance unless specifically requested by the requestor.

**Waiver, Reduction or Discount of Allowable Fees.** The District may waive or reduce allowable fees if the District determines a waiver or reduction is in the public interest.

**Indigence.** The District will discount allowable fees by \$20.00 to a requestor who submits an affidavit stating that he or she is indigent and on public assistance or, if not receiving public assistance, stating facts showing inability to pay full allowable fees due to indigence. If the District determines a requestor who submits such an affidavit is not eligible for the discount, the District's written response will inform the requestor of the reason(s) for its determination. The District will not provide an indigence discount to an otherwise eligible requestor if: the requestor has already received discounted copies from the District twice during the calendar year; or, the requestor has been offered or received payment or other remuneration by or from another person.

**Protection and Advocacy.** The District will discount allowable fees and costs by \$20.00 if the requestor is a non-profit agency designated by the Governor under Section 931 of the Michigan Mental Health Code, MCL 330.1931, and the following additional conditions are met: the request is made on behalf of the agency or its clients; the request is made for reasons wholly consistent with the agency's mission, as described in Section 931; and, the request is accompanied by documentation of its designation, if so requested by the District.

**Itemization of Allowable Fees.** The District will itemize allowable fees on the attached Detailed Itemization of Allowable FOIA Fees form.

**Good-Faith Deposit.** The District may require a good-faith deposit from a requestor before providing public records if the total allowable fees exceed \$50.00 and the District provides the requestor with an estimate of total allowable fees using the Itemization of Allowable Fees and Costs form. The good-faith deposit may not exceed 50% of the total allowable fees and costs. The District's request for a good-faith deposit will include a reasonable and best efforts estimate of the time frame within which the District will provide public records after receiving the good-faith deposit. The District may charge an increased good-faith deposit of up to 100% of the estimated fee before it begins a full public record search for a person who has previously failed to pay allowable fees in full if: the final allowable fees were not more than 105% of the total estimated fees; the public records provided contained the information sought in the prior request and are still in the District's possession; the public records were provided within the School District's reasonable best efforts estimate for the prior request; ninety (90) days have passed since the District notified the requestor the public records were available for pickup or mailing; the requestor is not able to show proof of prior payment; and, the School District calculates and provides a completed Detailed Itemization of Allowable FOIA Fees form that is the basis of the increased good-faith deposit. However, the District may not insist on an increased good-faith deposit if: the requestor shows proof of prior payment; the District is paid in full for the prior request; or, three hundred and sixty-five (365) days have passed since the requestor made the request for which full payment was not remitted.

**Reduction of Labor Charges for Untimely Response.** The District will reduce otherwise permitted labor charges by 5% per day (to a maximum of 50%) for each day the District's response is untimely if: the late response was willful and intentional; or, the written request conveyed a request for information within the first 250 words or the request included the words, characters or abbreviations for "freedom of information," "information," "FOIA," or a recognizable misspelling of such, or appropriate legal code reference on the front of the envelope or the subject line of the request.

**Appeals** The requestor may appeal the denial of all or part of a request in two ways: submit an appeal to the District's Superintendent or file a civil action in the circuit court where the District is located. The requestor may also appeal an allowable fee calculation that violates the Act or this Summary and Guidelines document.

**Appeal to Superintendent.** An appeal to the Superintendent must include the word "appeal" and identify the reason(s) the Superintendent should reverse the denial or reduce the allowable fee calculation. The Superintendent will respond to the appeal, in writing, within ten (10) business days by reversing the denial or calculation, upholding the denial or calculation or reversing the denial or calculation, in part, and upholding the denial or calculation, in part. In unusual circumstances, the Superintendent may issue not more than one notice extending his/her time for responding by not more than ten (10) additional business days. If the appeal is based on the District's calculation of fees and the Superintendent upholds the calculation, in whole or in part, the Superintendent must certify and explain the District's calculation.

**Civil Action.** The requestor may, in addition to appealing to the Superintendent, file a civil action in the circuit court where the District is located. The civil action may be based on the District's failure to timely provide public records or the District's calculation of allowable fees. If the requestor prevails in a case concerning the timely provision of public records, he or she is entitled to reasonable attorneys' fees, costs and disbursements. If the requestor or the District prevails in part the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs and disbursements. Additionally, if the court determines the District has arbitrarily and capriciously violated the Act by refusing or delaying the request, the court will order the District to pay a fine of \$1,000.00, which will be deposited in the Department of Treasury's general fund, and, in addition to any actual or compensatory damages, punitive damages to the requestor in the amount of \$1,000.00. If the requestor prevails in a case concerning the District's calculation of allowable fees by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award the requestor all or an appropriate portion of his or her attorneys' fees, costs and disbursements. If the court determines the District has arbitrarily and capriciously violated the Act by charging an excessive fee, the court will order the District to pay a fine of \$500.00, which will be deposited in the Department of Treasury's general fund, and, in addition to any actual or compensatory damages, punitive damages to the requestor in the amount of \$500.00. Separately, if the court determines the District willfully and intentionally failed to comply with the Act or has otherwise acted in bad faith, the court will order the District to pay a civil fine of not less than \$2,500.00 and not more than \$7,500.00 per occurrence, which will be deposited in the Department of Treasury's general fund. A civil action based on a denial of public records must be filed within one hundred and eighty (180) days after the District's final determination. A civil action based on the District's calculation of allowable fees must be filed within forty-five (45) days of receiving the completed Detailed Itemization of Allowable FOIA Fees form or within forty-five (45) days of the Superintendent's decision concerning an appeal. If the requestor files a civil action based on the District's calculation of allowable fees, the District is not required to continue processing the request until the court resolves the fee dispute.

## **9002-AR      Community Use of School District Facilities**

### **9002.1-AR Use of Buildings Facilities and Property**

The School District's buildings, facilities and property were acquired for educational and related purposes. Therefore, use of buildings, facilities or property shall be consistent with the School District's mission, educational programs and extra-curricular purposes. The Superintendent, or designee, may develop and

implement additional administrative procedures permitting the use of District buildings, facilities and property.

The School District facilities currently in use for the K-12 instructional program are made available to responsible groups and organizations in the Superintendent's discretion. Groups and organizations requesting the use of District facilities are assessed fees according to the following fee table:

<b>SCHEDULE A - 2018-2019</b>				
<b>INDOOR ROOM FEES</b>  <b>(ALL Fees – per Hour w/ One hour minimum)</b>	<b>OTHER BLDG/LOC</b>	<b>ELEM.</b>	<b>MIDDLE SCHOOL</b>	<b>HIGH SCHOOL</b>
Classrooms	-	\$ 25.00	\$ 25.00	\$ 25.00
Gym	-	\$ 55.00	\$ 75.00	\$ 80.00
Auxiliary Gym	-	-	\$ 60.00	\$ 65.00
Cafeteria	-	\$ 50.00	\$ 65.00	\$ 75.00
Media Center	-	\$ 40.00	\$ 50.00	\$ 50.00
Music or Band or Choir Room	-	\$ 40.00	\$ 50.00	\$ 50.00
Hallway Events (ie.Craft shows, etc.)	-	\$ 50.00	\$ 50.00	\$ 50.00
Specialty Rooms:  Hart Lecture Rm, *RHS Mall, AHS Atrium, West LGI	-	-	\$ 50.00	\$ 50.00
Auditorium Lobby (non-theater use only)	-	-	-	\$ 50.00



Rehearsal Room	-	-	-	\$ 60.00
Dressing Rooms (2) Included in Aud. Price	-	-	-	\$ 0.00
<b>Administration Center:</b>				
Harrison Conference Room	\$ 100.00	-	-	-
Parker Conference Room	\$ 50.00	-	-	-
Graham Conference Room	\$ 50.00	-	-	-
Woodward Conference Room	\$ 25.00	-	-	-
<b>Other Rooms (Discount NOT Applicable):</b>				
Auditorium *	-	-	-	\$ 230.00
Pool *	-	-	-	\$ 150.00
<b>* Additional Personnel Fees - Schedule P</b>				

<b>SCHEDULE B - 2018-2019</b>			
<b>OUTDOOR FACILITIES</b>	<b>ELEM.</b>	<b>MIDDLE SCHOOL</b>	<b>HIGH SCHOOL</b>
Athletic Fields - softball, baseball, soccer	\$ 15 / hour	\$ 30 / hour	\$ 50 / hour
Track @ Hart		\$ 25 / hour	
Track @ SCHS (non-stadium)			\$ 50 / hour
Tennis Court (8 courts)	-	-	\$ 10 / hour / CT

Parking Lot	\$ 50 / event	\$ 75 / event	\$ 100 / event
<b>Athletic STADIUM *</b>  Includes: Outdoor Restrooms & Stadium Equipment (2NHFS sized goals, Team Benches, Table/Chair)			\$ 100 / hour
Stadium - Additional Options:			
Lights (0 - 2 hours)			\$ 50 / event
Lights (2 - 4 hours)			\$ 100 / event
Press Box / Scoreboard  (\$100 Deposit Required) *			\$ 50 / event
<b>* Additional Personnel Fees - Schedule P</b>			

SCHEDULE C - 2018-2019	
ENT - EQUIPMENT	Per Item
Chairs (per 100)	\$ 20.00
Tables - each	\$ 5.00
Podium	\$ 5.00
Pool Timing Control (w/P.A.)	\$ 50.00
Portable Toilet (per month/structure)	\$ 100.00
Scoreboard (gym )	\$ 25.00

Volleyball (nets/poles)	\$ 10.00/event
Equipment Transfer Fee	Requires Quote
Man Lift - special request	Requires Quote
<b>* Additional Personnel Fees - Schedule P</b>	

SCHEDULE D - 2018-2019	
RENT - AUDITORIUM EQUIPMENT	Per Item
Risers	\$ 10.00
Piano - Upright/Spinnet	\$ 10.00
Piano - Baby Grand	\$ 25.00
Confetti Canon	\$ 50.00
Piano Tuning service	\$ 100.00
Orchestra Shell (personnel)	\$ 360.00
Additional Lighting	Requires Quote
<b>AUDIO Package:</b>  Sound System  Cassette / DVD Playback Microphones (6 Maximum)	\$ 50.00 (0-5 hrs.)  \$ 100.00 (5.1 hrs & up)

<b>VIDEO Package:</b> Projector Screen  VCR/DVD Playback Audio Playback  Power Point Presentation	    \$ 50.00 (0-5 hrs.)  \$ 100.00 (5.1 hrs & up)
<b>LIGHTING Package:</b>  Stage Lights with Rep Plot Lighting Control	  \$ 50.00 (0-5 hrs.)  \$ 100.00 (5.1 hrs & up)
<b>* Additional Personnel Fees - Schedule P</b>	

<b>SCHEDULE P - 2018-2019</b>		
<b>PERSONNEL FEES</b>  <b>(All Fees - per hour per person)</b>  <b>2 hour minimum)</b>	<b>MON - SUN</b>  <b>(when applicable)</b>	<b>HOLIDAYS</b>
<b>Custodian – Weekday</b>	\$ 20.00	
<b>Custodian – Weekend</b>	\$ 30.00	\$ 40.00
<b>Maintenance &amp; Grounds</b>	\$ 60.00	\$ 120.00
<b>Auditorium - Event Manager</b>	\$ 38.00	\$ 76.00
<b>Auditorium - General Personnel</b>	\$ 12.00	\$ 24.00

<b>Security - General Personnel</b>	\$ 30.00	\$ 30.00
<b>Pool – Life Guard</b>	\$ 13.00	\$ 26.00
<b>Pool – Supervisor/Timing Equip Operator</b>	\$ 21.00	\$ 42.00

#### Procedure for Building or Facilities Reservations:

A group or organization that wishes to use a School District building or facility must obtain a reservation confirmation. To obtain a reservation confirmation, the group or organization must:

Go to the district website, <http://www.rochester.k12.mi.us/>, click on facility rentals at the bottom of the page. Read the facility rental policy and click accept and submit form

All field rentals must be booked through RARA by contacting [ems@rararecreation.org](mailto:ems@rararecreation.org) or by calling 248-656-8308 x108

1. Log in or create a new account. Requests for reservations must be made 2 weeks in advance.
2. Additional Personal Fees may be applied when applicable. Refer to Schedule P for additional information.
3. Equipment is not included in the cost of room rental fee.
4. Reservations and policies must be agreed to by the user in order to finalize the rental agreement.
5. Invoice for reservations will be mailed the month following the reservation.
6. Organizations must provide a copy of insurance at time of request.
7. Athletic/Auditorium/Pool areas must have secondary approval.

#### Regulations Pertaining to Rental of School Facilities:

1. Those in attendance must confine themselves to the area rented by the organization.
2. The use or sale of intoxicating beverages and tobacco is not permitted on the premises. Violators will be subject to removal and possible prosecution.
3. The sale of food or any commodity requires prior approval from the School District. A request must be included on the reservation request form at the time the reservation form is submitted.

4. All current fire and safety regulations must be strictly observed.
5. An employee of the School District may be on site during events.
6. Users of School District facilities will be fully responsible for damage to school property occasioned by the group's use of School District property. The renting organization will be required to replace damaged property at its sole cost and expense.
7. All requests to use Rochester Community Schools' facilities during filming are contingent upon written approval by the Director of Community Relations.

The Board of Education requires all users of School District facilities to carry comprehensive general liability insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. Furthermore, the Board of Education, its individual board members, officers and agents, and the School District, as well as its employees and volunteers shall be named as additional insureds.

## **9003-AR                      Gifts, Bequests and Donations**

### **9003.1-AR Gifts, Bequests and Donations**

The School District appreciates the generosity of donors who wish to recognize the School District with monetary donations or gifts of property. In order to assure that the School District does not incur a cost as a result of the gift that approaches or exceeds its value, all gifts, bequests and donations will be submitted to the Superintendent of Schools for approval. As reflected in Board of Education Policy 7003, the Superintendent or his/her designee will review an offered gift to assure that the gift: is free of any restriction that is contrary to law or inconsistent with Board policy; is, in the opinion of the Superintendent, fitting and appropriate for District use; does not require excessive installation, alteration or maintenance costs, or otherwise require a large commitment of District resources.

## **9004-AR                      Distribution of Information or Materials**

### **9004.1-AR Distribution of Information or Materials**

The School District periodically receives requests from various organizations to distribute informational or promotional materials on District property. In order to minimize intrusions on the time of students and employees that result from such distribution, the following will apply:

**Review Process** Organizations must submit the following information for review and approval prior to distribution: a final pdf version of the flyer; and, communication with the following information: name and phone number of contact person; the method by which the organization wishes to be contacted following review; the target audience to receive the materials (i.e. students, parents, staff or some combination thereof); payment, if applicable, and, the name of the school buildings where it is contemplated that the materials will be distributed.

The Director of Community Relations will review and approve materials for which a request for distribution has been received before distribution occurs.

**Content** In order to be accepted for distribution, materials may not: be obscene, indecent or vulgar; advocate illegal activities, violence, or hate; contain libelous or defamatory information; discriminate or contain bias toward any individual's race, gender, sexual orientation, religious or ethnic identity; be likely to

cause substantial disruption of or material interference with discipline or the education of students in the school in which the material is posted or distributed; promote, favor or oppose a candidate for elected office or a ballot measure; or, advocate religion or a particular faith or religious viewpoint.

**Disclaimer** All materials that will be distributed on District property must include the following statement:

This event/activity/offer is not sponsored by the School District. The School District assumes no responsibility for the conduct or safety of persons attending or participating in the event/activity/offer.

## **9005-AR Public Complaints**

Citizens who have concerns with District staff, programs or practices are encouraged to bring their concerns to the person in charge at the closest point of origin. In most cases this will be the building principal. Where the matter is unresolved at that level, the following formal complaint procedure may be utilized:

### **Complaint Procedure**

A complaint will: be in writing; be signed by the complaining parties; set forth the specific acts, conditions or circumstances of concern; identify the relief being requested, that is within the authority of the District to grant; and, be submitted to the person in charge at the closest point of origin (typically the building principal).

The building administrator will offer to meet with the complainant to discuss the complaint. Following the meeting, if there has not been a satisfactory resolution, the building administrator will, within five (5) school days after receipt of the complaint, send the written complaint to the Superintendent, together with the disposition at his/her level.

The Superintendent/designee will conduct or coordinate an investigation of the complaint and reach a decision within fifteen (15) school days after receipt of the complaint. The decision of the Superintendent/designee shall be communicated in writing to the parties involved.

Should a complaint be submitted with less than fifteen (15) school days remaining within the school year, a reasonable extension of this timeline may be taken, as deemed necessary by the person conducting the investigation.

If the complaint has been investigated by the Superintendent's designee, and has not been resolved to the citizen's satisfaction, the citizen may request, within five (5) school days, that the complaint be referred to the Superintendent.

The parties involved in the complaint will have the opportunity to meet with the Superintendent within fifteen (15) school days after the Superintendent receives the designee's decision.

The Superintendent will make a decision and notify the citizen, in writing, within ten (10) school days after: receiving the complaint and the designee's decision; or, meeting with the parties involved in the complaint. The response of the Superintendent will: deny the allegations contained in the complaint; and/or, identify corrective measures deemed necessary to resolve the complaint.

## **9007-AR School Visitors**

### **9007.1-AR School Visitors**

The Board encourages parents and citizens to visit the schools. The principal will regulate visits both within the school and on the campus for purposes of student/staff security and to protect the integrity of the instructional program.

All visitors, including parents, will report to the main office before visiting elsewhere in the building or on the campus. Rules regarding visitor access will be posted at the main entrances of each school. All principals will include visitation regulations in parent communications, student and staff handbooks.

Visitors will be admitted to a classroom only with permission from the principal/designee upon completion of Attachment A – Classroom Instruction Observation Request Form unless the teacher has been given prior permission to invite guests for a particular occasion.

The principal/designee, with written parent permission, will provide requested information to independent certified professionals through the use of checklists, surveys, observational data and/or meetings. Upon a persuasive showing of need, the principal/designee, in conjunction with the Assistant Superintendent for Instruction/designee, may at his/her discretion allow independent certified professionals to observe a student with parent or guardian permission during school hours. Such observational activities may be limited in scope and duration within administrative discretion, so as to minimize any adverse impact or disruption on the instructional program and classroom activities. Assessment and evaluation activities, other than those mentioned immediately above, will only be conducted by Rochester Community School employees during the school day. Independent tutoring and counseling will not be done during the school day.

If a parent/guardian wants an appointment to discuss his/her child's progress with a teacher, the appointment should be arranged outside school hours, on conference days, or during the teacher's planning period.

If a person on a school campus or facility creates a disturbance or refuses to leave the campus or facility, when directed to by the principal/ designee, the principal/designee shall contact appropriate law enforcement officials and take action as may be necessary. The Superintendent/designee shall be promptly notified of any such action.

### **9007.2-AR District Volunteers**

Volunteers to Rochester Community Schools are a welcome addition to our school community.

For occasional volunteers, working in the building once or twice per year under the direct supervision of teachers or staff members, the building principal will provide building-specific information about volunteering.

For volunteers who are in the building on a regular or continuous basis, which will involve supervision of, and/or significant interaction with students or any volunteer who chaperones students on off-site trips must follow the following process:

1. The volunteer will complete the Volunteer/ICHAT Authorization Form (Attachment A) and submit a copy of their driver's license/State ID.
2. The building principal will submit this information to the Department of Human Resources that the volunteer may begin volunteering in the school.

All volunteer chaperones for overnight field trip as well as volunteer coaches must have a Criminal Background Check in addition to the Criminal History Screening; this added check requires fingerprinting.



1. The building principal or teacher must contact the Department of Human Resources with names of all prospective overnight volunteer chaperones when planning an overnight field trip so that the appropriate arrangements may be made in advance of the trip for fingerprinting to be completed and the full Criminal Background Check information to be received and reviewed.
2. In the case of volunteer coaches, the school's athletic director should contact the Department of Human Resources prior to the start of the season with the names of all prospective volunteer coaches. The full Criminal Background Check information must be received and reviewed prior to a volunteer coach participating in the sport.

All information from the Criminal History Screening, and where conducted, Background Check is kept confidential, and is not shared with the building. If questions arise, the volunteer will be contacted by the Department of Human Resources.

In most cases, Volunteer/ICHAT forms need only be completed once each year. However, the District does reserve the right to request that an updated screening be completed.

The District requires that a new Volunteer/ICHAT form be completed each year that the volunteer works/chaperones in the district on a regular or continual basis.

In the case of a volunteer who a volunteer coach or overnight chaperone, if a full Criminal Background Check, including fingerprints was required, each year thereafter, a Volunteer/ICHAT form must be completed prior to volunteering or chaperoning and the ICHAT criminal history record will be reviewed.

## **9008-AR**

## **Advertising**

### **9008.1-AR District Logos**

The district has common law rights to its logos and marks even if they are not trademarked or copyrighted. Any use of such logos is prohibited without the district's express written permission.

## **10000-AR**

## **General Policies**

The 10000 series of Board Policies requires or permits the Superintendent, or designee, to promulgate and implement administrative procedures. The Superintendent, pursuant to this authority, promulgated and implemented these administrative procedures on March 1, 2017 and posted them on the district's website. All School District personnel and students are required to follow these administrative procedures.

## **10001-AR**

## **Acceptable Use**

### **10001.1-AR Acceptable Use of Technology**

Use of the District's Technology Resources, including access to the Internet, is a privilege, not a right. These regulations shall apply to all students, teachers, administrators, employees and users of the Technology Resources who have access privileges through association with the District. Use of the Technology Resources requires responsibility. Termination of this privilege, as well as other disciplinary or legal action, may result if the District policy or Regulation is violated or if other improper use is discovered. It is the sole intent of the District that the Technology Resources will be used in compliance with the District's curriculum, the students' career development and appropriate self-discovery. The District has not established the Technology Resources as a public forum, either full or limited.

#### **Definitions**

**Technology Resources** - Includes, but is not limited to, the Internet, electronic mail ("email"), Computer Systems (as defined below), cameras, televisions, video recorders, laserdiscs, telephones, faxes, District - issued cellular/data phones and all voice, video and data systems.

**Computer System and/or System** - Includes, but is not limited to devices, computer hardware, disk drives, printers/copiers, scanners, software applications, the network and any and all other associated equipment.

**System Security** - System security shall be protected through the use of passwords. Each user is responsible for maintaining the privacy of his/her password to avoid unauthorized access and/or inappropriate use. Passwords will be assigned only after the appropriate Technology Resources Use Agreement has been executed and submitted to the building Media Specialist and/or building Administrator.

To protect the integrity of the System, the following guidelines shall be followed:

1. Users shall not reveal their passwords to another individual.
2. Users are not to use a computer that has been logged in under another user's name.
3. Users shall immediately notify the District if a security problem is suspected or identified.

**Appropriate Use of Technology Resources** - The District's Technology Resources shall only be used to access information related to the District's curriculum or conduct District business. The District's curriculum shall include, by way of demonstration and not limitation, a student's course work, a teacher's instructional program, and an administrator's duties.

**Prohibited Activities and Inappropriate Use of Technology Resources** - Students, employees, administrators and all other users of the District's Technology Resources are required to use the Technology Resources in an ethical and responsible manner. Students are prohibited from engaging in the following activities:

1. Revealing personal information, such as name, address, telephone number, social security number, driver's license number, credit card numbers, pictures, etc. over the Internet or e-mail.
2. Agreeing to meet with someone that he/she has met on the Internet or through e-mail without his/her parent's prior written approval and participation.
3. Students must not permit others to use their accounts. Students are responsible for maintaining the secrecy of all passwords they have and for changing passwords frequently.
4. Students must not send mass mailings through their RCS e-mail account.
5. Fraudulent, harassing, obscene and other inappropriate messages or uses of computers, or network access capabilities must not be created, downloaded or transmitted. This includes messages that might harass individuals or groups because of their age, race, sex, religious beliefs, sexual orientation, physical attributes, etc.

All individuals using the District's Technology Resources are prohibited from engaging in the following activities:

1. Retrieving, viewing, obtaining, copying, or sending obscene, pornographic, abusive, threatening, criminal, or otherwise harmful materials. This shall include disturbing, threatening or harassing other users and persons on other computer systems by sending unwanted e-mail or by other means.
2. Retrieving, viewing, obtaining, or sending discriminatory or harassing materials. This does not apply to materials gathered which relate to the District's curriculum.
3. Playing games, visiting chat rooms or otherwise using the Technology Resources for non-academic activities.
4. Taking of supplies such as paper, printer ribbons, toner, and writeable media that are provided by the District.
5. Use of the Technology Resources for fraudulent or unauthorized copying, communication or modifications of materials in violation of copyright laws.
6. Invading the privacy of another user, including attempts to gain unauthorized access by using the password or account of another individual, forging e-mail messages or otherwise impersonating another user. This shall also include copying, changing, reading, or using files in another user's area without that user's permission.
7. Giving, lending, copying or selling copies of software on the District's Computer System unless authorized by the District.

8. Attempting to gain or actually gaining unauthorized access to the District's Computer System, programs or equipment or circumventing the district's content filter, firewall, or network security to gain unrestricted access to the internet, technology resources or computer system.
9. Downloading or uploading information onto the hard drive of a District computer. This shall also include installation of software not approved by the District.
10. Using the Technology Resources for commercial or for-profit purposes.
11. Using the Technology Resources for personal or private business, product advertisement, fundraising, campaigning, or political lobbying.
12. Removal, destruction, deletion, modification, alteration, abuse or damage to/of the District's Computer System, its hardware or software, regardless of whether the District owns or leases the hardware or software. Tampering with the District's Computer System and/or software applications will be considered vandalism, destruction, and defacement of school property whether the District owns or leases the property. Tampering with includes removing, damaging, deleting, modifying or altering computer hardware or software applications.
13. Infiltration, or "hacking," into any computer system or file, including the District's Computer System.
14. Attempting to access or actually accessing computer systems, data, materials or files that they are not authorized to access or the individual knows or reasonably believes may negatively affect the integrity of the District's Technology Resources and/or Computer System.
15. Sending obscene, profane, lewd, vulgar, or inflammatory language or messages.
16. Uploading, downloading, creating or intentionally spreading computer viruses.

**Consequences for Illegal and/or Inappropriate Use** The use of the District's Technology Resources for illegal or inappropriate use or in support of such activity is strictly prohibited. Illegal activity is defined as any activity that violates federal, state, or local law and regulations. Inappropriate activity is defined as any activity that violates District Policy, this Regulation or the intended use of the Technology Resources. Violation of the District Policy or this Regulation by any individual may result in temporary or permanent suspension of Technology Resources, Internet and/or e-mail privileges, as well as further disciplinary measures as provided for by the Code of Responsible Behavior and Student Conduct or legal action.

All individuals using the Technology Resources of the District shall be responsible for damages to the Computer System, equipment and software resulting from deliberate or willful acts. Illegal use of the network, intentional deletion or damage of files or data belonging to others, copyright violations, or theft of services or software will be reported to the appropriate legal authorities for possible prosecution.

**Rights and Responsibilities of the District** The District reserves the right to monitor any and all activity involving the Technology Resources including, but not limited to, searching data or e-mail stored on all

District-owned Technology Resources at any time and for any reason. As such, users of the Technology Resources have no right of privacy in such data. The District reserves the right to terminate or modify, in full or in part, the Technology Resources offered by the District. The District further reserves the right to terminate the privilege of any user to access the Computer System on its own authority, so long as such decision is not in conflict with any master agreement.

**Procedures** - All users of the Internet and e-mail shall follow the "Procedures for Electronic Information Access and Use" which can be found under the AUP for Technology file by clicking on this link: [LINK](#) and incorporated herein by reference.

Disclaimer - The District will make every effort to provide appropriate technology resources and services, however, the District makes no warranties of any kind, whether expressed or implied, for the Technology Resources it is providing. The District shall not be responsible for any damages incurred by a user of the

Technology Resources, including loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions. The District does not endorse or guarantee the accuracy or quality of information obtained via the Internet or electronic mail.

In no event shall the District be liable for any damages (whether direct, indirect, special or consequential) arising out of the use of the Internet, accuracy or correctness of databases or information contained herein, or related directly or indirectly to any failure or delay of access to the Internet or other network application.

**Use Agreements** - All users of the District's Technology Resources are required to execute the appropriate [Use Agreements](#) which can be found on the district website.

#### **10001.2-AR Children's Internet Protection Act**

It is the policy of Rochester Community Schools to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communication; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254 (h)].

#### **Definitions**

Key terms are as defined in the [Children's Internet Protection Act](#).

#### **Access to Inappropriate**

To the extent practical or to the extent required by law, technology protection measures (or "Internet filters") shall be used to block or filter internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

### **Inappropriate Network Usage**

To the extent practical or to the extent required by law, steps shall be taken to promote the safety and security of users of the Rochester Community Schools online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called 'hacking,' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

### **Education, Supervision and Monitoring**

In accordance with the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21<sup>st</sup> Century Act, all members of the Rochester Community Schools instructional staff should, to the extent practicable and/or required by law, work to educate, supervisor and monitor appropriate usage of the online computer network and access to the Internet.

Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the Director of Technology and Strategic Initiatives or designated representatives.

### **10001.3-AR                      Web Page Development**

The District's web site will provide information relating to our schools, our curriculum, and the commitment of the Rochester community for excellence in education. Internet access for the creation of web pages will be provided through Technology Services. The quality of information published by the District plays an important role in maintaining a strong reputation and image of the district. The following guidelines set the minimum standards to ensure that information published electronically is visually appealing, accurate and well written, and in compliance with the same high standards as other forms of published information about the District.

The availability of the Internet provides the opportunity for students and staff to contribute to the District's presence on the Internet. All staff members need to become familiar with the policies and responsibilities for using or creating pages that will be linked from the District's web site.

Failure to follow these policies or responsibilities may result in the loss of authoring privileges on the web site or other more stringent disciplinary action. These guidelines will ensure proper use of the District's network capabilities and proper conduct of each end user. These guidelines are to provide a consistent attempt to make authors aware of their responsibilities. These responsibilities will include efficient, ethical and legal utilization of the District's network resources.

### **Definitions**

**Technology Services** - Area responsible for maintenance of the District's technology policy and regulations.

**District** – Rochester Community Schools

**District Webmaster** - Individual responsible for maintaining and Linked Page - A connection from the District's web site to that page or the pages that are connected to that linked page.

**Sponsoring Faculty Member** - Any district employee, teacher, coordinator, director, or administrator that wishes to create a link to their web page, their department's web page or the building's web page.

**Student** - Any student currently enrolled in the Rochester Community Schools.

**Web Page Author** - Any district employee, teacher, coordinator, director, or administrator that wishes to create a district web page.

**Web Site** - The official District web page from which all other pages about the District will be linked, URL: [www.rochester.k12.mi.us](http://www.rochester.k12.mi.us).

### **Responsibilities**

- A. District Webmaster - The Webmaster will continuously review the District web site and check all links for accuracy and policy compliance. The Webmaster will communicate with staff members directly regarding web site changes that are needed. The District reserves the right to remove any pages from the web site if the District deems the specified pages are not in compliance with District Web Page Development Policy.
- B. Staff Member – Staff members may create their own district web page, ensuring it adheres to the standards established by the District and its goals, guidelines, and policies. Staff members must proofread work before it is published on the District's web site. If the staff member has no web knowledge to create their own page, they can contact Technology Services.

### **Ownership and Retention**

- A. All web pages on the District's server(s) are the property of Rochester Community Schools.
- B. Web pages will be deleted whenever a staff member leaves the District at the end of a semester or school year, or when an assigned project ends, unless prior arrangements have been made at the building level.
- C. It will be the responsibility of the creator of each web site to keep the information accurate and updated. Staff members are encouraged to review and update individual web pages at a minimum of once a semester.
- D. In the event that a staff member changes building locations, he/she is responsible for the transfer of their web account to the new building. Support to accomplish this can be acquired through the building media specialist.

### **Linking from the Web Site**

- A. All linked pages must comply with the guidelines and policies of the Rochester Community School District and support its mission.

- B. If links change in a manner that violates any of the guidelines or policies identified, the Webmaster, Director of Technology or Director of Community Relations may terminate the links until the violations on those pages are corrected.
- C. The content of individual web pages will be periodically scrutinized by Technology Services, Community Relations, building principals, and the Webmaster.

#### **Process to Create a Web Page**

Web page development is to be done utilizing the District web site authoring tool. Beginning Web Design classes are offered by the Technology Services. District employees may create their own pages and link them to the District web site.

#### **Maintenance of Web Page**

Maintenance of the “structure” of the entire District web site will be the responsibility of the Webmaster. Content and updates of individual pages will be the responsibility of the person(s) whose information is being displayed or linked. The creator of those pages will update the information on the web page(s). Building principals will periodically review the information on their building’s web pages for accuracy and to verify that all pages are updated. The Web Page Development Guidelines and Policy will be updated on an as needed basis. Additional consistency standards will be developed by Technology Services and Community Relations as the need arises and updates will be provided as needed.

#### **Technical Standards for a Web Page**

Each web page linked from the District web site must contain certain elements which will provide for consistency of all pages.

- A. All web pages must be given names or categories which clearly identify them (i.e., “Classroom Pages” or “Mr. Smith’s First Grade, Baldwin Elementary School”). Staff members are required to follow the District web site file naming convention for all uploaded files. For assistance, e-mail the Webmaster or Technology Program Consultant.
- B. Linked text should indicate the actual destination rather than reading simply “home.”
- C. At the bottom of the web page, there must be a district e-mail address link to the name of the person responsible to keep the web page current (information not relevant anymore, or dates that have passed). Web pages may not contain links to home email accounts.
- D. Graphics and sounds must be named in all lower case letters, using an underscore symbol instead of spacing between words, and the building name added in the labeling as well.
- E. Authors must exhibit care when creating web pages with extensive tiled backgrounds or large graphics. Such files require extensive download times, are frustrating for users, slow down file servers and, therefore, are discouraged from being used.



- F. Web pages may not contain links to other web pages not yet completed. It is assumed that all work is considered under construction, so no pages will contain an "Under Construction" message.
- G. Web pages may not contain guest books, bulletin boards, ads, or counters without the written permission of Technology Services.
- H. The staff member who is posting the web page will edit and test the pages for accuracy of links, and check for compliance with standards outlined in this policy.
- I. Questions or concerns about the content of any page(s) created by staff should be directed to the building administrator of that school or to Technology Services or Community Relations.

#### **Content Standards for Web Design**

All individuals who wish to have their pages linked from the District web server must:

- A. Create their pages in compliance with the District's Acceptable Use Policy and all other District rules and regulations.
- B. Observe Copyright Laws and Fair Use Guidelines before including any materials created by copyright holders. Such materials include, but are not limited to, the following: text, photographs, graphics, audio clips, video clips, and multimedia.
- C. Designate a district staff member who will be responsible for working with recognized student or school affiliation organizations and maintaining the content of its page(s). Must have building administrator's approval). This designated staff member will be authorized to gather the information and post the content to the appropriate web page.

#### **Guiding Principles for Electronic Publishing**

The District recognizes that the Internet have a potential to change traditional communication techniques and eliminate traditional road blocks to communication. Because this medium creates rapid access to this information, the following principles and assumptions in its use of this resource will guide the District.

- A. All authors are expected to adhere to the District's Technology Acceptable Use Agreement concerning the Internet.
- B. All information and data published on the Internet are accessible, or potentially accessible, to any user. Although documents published on the Web may be intended primarily needs and potential responses of other audiences.
- C. District personnel must guard against the unintended release of sensitive information when using the Internet and other electronic media. Such information includes individual student or personnel records, Social Security numbers, legal documents, etc. Also, when considering the publication of general "directory" data that may be viewed as public information (such as names, addresses,

phone numbers, or email addresses in a membership list), staff members should comply with the district's Student Directory Information and FERPA Education Records policies.

- D. District personnel must clearly identify the sources of documents which they create and provide complete citations for any other documents or sources which are incorporated identified, and prior written permission must be secured before using another person's copyrighted work in electronic form. Dates of publication and revision should always be clearly noted in all web documents.
- E. Material published on the Internet should, to the extent appropriate, be accessible to individuals with disabilities and those not able to obtain them electronically.
- F. District personnel should give proper advance notice to other individuals and departments within the District and, if necessary, to outside organizations before publishing Web documents which may affect those parties (i.e., dates, schedules, results...).
- G. All documents published in electronic form must have a designated "web page author" and a method for users of the Web to contact the appropriate staff member.
- H. Staff members are encouraged to promote diversity when posting photographs and images on their web site.

#### **Subject Matter Contained on a Web Page**

All subject matter on the District's web site or those linked from it should relate to curriculum, instruction, school-authorized activities, and be related to the District. Staff may not publish or link to personal home pages as part of the District web site.

#### **Quality of Web Page Information**

Attention should be given to proper grammar and correct spelling. Documents may not contain objectionable material or link to objectionable material. Objectionable material is defined as material that does not meet the standards for instructional resources specified in District Policies. Regarding the question of quality or propriety of web page material, appearance, or content, the judgment of Technology Services, Community Relations or building principal will prevail.

#### **Graphics**

Free graphics and clip art copied from the web may be used on district web pages. It is the user's responsibility to ensure that only free graphics are used. If graphics are used from an original graphic artist, that artist must be given credit, along with a link back to their site on every page that these graphics are used. Graphics must be named in all lower case letters, with an underscore symbol used for spaces, and the building name added in the label as well.

#### **Linking**

A link is a URL (factual address) and is not copyrightable. Any pages that are linked to or from the District Website must be tested and links must work before they are posted. All linked pages must comply with the guidelines and policies of the Rochester Community School District. Use "netiquette" and inform people that you made a link to their site or page(s). Links to other web sites must be removed if the linked objects.

### **Copyrighted Materials**

Web page creators may not place any material(s) owned by others, i.e., copyrighted work(s), on their web page without the expressed permission of the copyright owner. If web page creators want to include something from another person's web page, they should link to it rather than copying it. Staff members should refer to the Rochester Community School District Copyright Policy and Regulations for all copyright related matters.

### **Student Name/Picture and Video Policy**

In accordance with the District guidelines for photographing students, permission must be received from a parent/guardian for a student who is in a photo or video that will be placed on a web page. Every person has a right of privacy, which includes the right to restrict the use of his/her own image. Student names will be posted with photos in accordance with the following guidelines: Pre-K – 5TH grade: photos of students will not be identified by first or last name. 6TH – 8TH grade: photos of students may be identified by first name. 9TH-12TH grade: photos of students may be identified by first and last names.

### **Commercial Activity or Private Business**

It is not permitted to run a private business, advertise, or solicit business on the District network or website.

### **Disclaimer**

The District recognizes and adheres to the value and diversity of free speech, but does not review, edit, or endorse all items accessible from its web pages. No single location is representative of the entire District. Linked pages to the District's web site may not be official statements of the District, and the District is not responsible for the content of every page that users can reach from the District's web site. While the District will make every effort to ensure the accuracy of material web page creators publish on the Web, discrepancies may sometimes exist between printed and electronic information. Clarification of the information can be obtained from Technology Services. The printed version of the material should be considered the official version. Opinions expressed in classroom or linked pages should be construed as those of its author, who is responsible for the information contained therein. If users have questions or comments about a particular page or document, they should contact its author directly. Technology Services and Community Relations are responsible for operation of the District services and for the design and maintenance of the Rochester Community School District's web site. Individual authors are responsible for the completeness, accuracy, or timeliness of information posted to the individual web sites, which are linked from the Rochester Community School District web site.

### **Web Page Author Agreement**

- A. The Author understands that the District computer resources, including the website and network, are provided to the Author as a privilege, not a right.
- B. All contents of linked pages from the Author's page shall be the sole responsibility of the Author.
- C. The content of the Author's pages shall adhere to the District's guidelines and policies.
- D. The District may have a limited amount of space to provide for web pages.
- E. Author's Web page(s) will be removed from the server no later than one semester after they leave the District.

- F. Any violation by Author of the Terms and Conditions of this Policy may result in the imposition of sanctions, including possible revocation of the privilege granted by the District in this policy.

#### **10001.4-AR                      Digital Etiquette and Citizenship**

The etiquette for digital communications is similar to the etiquette appropriate for face-to-face communications at school. For example, digital communications should always be direct, honest, polite and respectful. Similarly, and by way of example only, digital communications should not include statements, information or other material that is, or reasonably may be considered, as illegal, obscene, profane, lewd, rude or disrespectful.

#### **10001.5-AR                      Digital Law**

There are laws intended to apply directly to digital information and communication technology and laws that apply indirectly to digital information and communication technology, regardless of whether they were specifically intended to do so. There are too many laws to mention specifically. Those who choose to use private or District provided or supplied equipment and networks are individually responsible for compliance with all applicable legal requirements. The laws District users will encounter most commonly include the following:

**Fourth Amendment.** The Fourth Amendment to the federal constitution, and its counterpart in the Michigan constitution, prohibit unreasonable searches and seizures. Information technology provided, owned or supported by the District is monitored routinely by the District and no user of such technology has a reasonable expectation of privacy in the digital information transmitted through or stored there. Therefore, the District may, without notice, search, seize, copy, modify or destroy digital information transmitted by or stored in information technology provided, owned or supported by the District. The District may also search privately owned information technology on District premises, in District vehicles and/or at District-related events if the District has reasonable suspicion that evidence of a violation of the law or a violation of District policies or administrative procedures may be found on such privately owned technology. The scope of the search should be consistent with the scope of the District's reasonable suspicion. Consistent with Michigan law, District staff may not search the private social media and private email accounts of District staff or students without the permission of the Superintendent.

**FERPA (Family Educational Rights and Privacy Act).** FERPA is a statute that, among other things, protects the privacy rights of students and families with respect to education records. [The District's FERPA policy](#) can be found on the district's website. The District and District staff and students must comply with the District's FERPA policy and administrative procedures. Compliance with the District's FERPA policy includes not disclosing information protected by FERPA through digital communications.

**Copyright Laws.** Federal and state copyright laws protect the intellectual property of companies, artists, musicians and writers, among others. District users may not use information technology to violate copyright laws. Additionally, in the absence of a written agreement to the contrary, the District owns all works that are created on District time or using District resources, including information technology provided, owned or supported by the District.

**FOIA (Freedom of Information Act).** FOIA is a Michigan statute that, according to its terms, may require the District to provide the public with information, including digital information, the District uses or maintains for educational purposes. There are several exceptions to FOIA, including information protected by FERPA, discussed above. At the same time, District staff, parents and students should be aware that District-related digital communications regarding students that are not covered by FERPA may be subject to disclosure under FOIA.

CFA (Campaign Finance Act). Michigan's CFA, subject to several exceptions, prohibits the use of District resources, including digital communication and information technology, to support or oppose political candidates and ballot issues.

#### **10001.6-AR                      District Policy and Administrative Procedures**

Digital communication and information technology must be used consistent with all District policies and administrative procedures, including the District's Student Code of Conduct.

#### **10001.7-AR                      Responsible Use**

The following additional rules should be observed when using privately owned information technology, some of which are implicit in these administrative procedures:

- Users are responsible for privately owned devices used at school and users may not use privately owned information technology at school without the permission.
- Users are responsible for appropriate conduct on the District network and understand that users not connect or network privately owned information technology to information technology provided, owned or supported by the District without the permission.

#### **10001.8-AR                      Posting Student Names, Images and Work**

Following the Children's Internet Protection Act (CIPA) and the Family Education Rights and Privacy Act (FERPA) Guidelines, users are responsible for following Board policy, Administrative Rules and Regulations, and school procedures when using District technology and networks and when publishing school work online. It is potentially unsafe to post any personal information about students or others. With the exception of directory information, users will not post photos or videos of students with their first and last names on any online site without the permission of the parent/guardian or the student if age 18 and older.

#### **10001.9-AR                      Respecting Copyright**

Users are responsible for respecting the intellectual property rights of others. Users will obey copyright laws and not plagiarize another's work.

#### **10001.10-AR                      Other Technology Considerations**

- From time-to-time information technology does not work properly or "crashes." The District is not responsible for digital information that is damaged or destroyed when information technology does not work properly or crashes.
- Assigned users may not download software or other applications without the permission of District staff (in the case of a student) or a District administrator (in the case of a staff member).
- No person may bypass or attempt to bypass security settings or filters.
- Individual users are responsible for all digital information sent from or found or stored on their assigned accounts. Therefore, individual users should not divulge their passwords to others. If individual users permit others to use their assigned accounts, they do so at their own risk. Individual users should also

“log-off” after using their accounts. Individual users who believe their information technology or accounts have been used by others or “hacked” must report that fact immediately to a District staff member (in the case of a student) or a District administrator (in the case of a staff member).

- Information technology, including software, provided, owned or supported by the District may not be modified.
- Information technology provided, owned or supported by the District may only be used for educational purposes and may not be used for personal purposes unless otherwise approved.
- Those who use information technology provided, owned or supported by the District are financially responsible if the information technology is damaged or destroyed and for all actual attorneys’ fees and costs incurred if the District is required to file an administrative complaint or civil action to enforce financial responsibility.
- The District reserves its full right to prohibit or limit the use of information technology provided, owned or supported by the District, when warranted by the facts and circumstances.
- Information technology, public or private, may not be used to access or transmit information and material that is otherwise not appropriate in the educational environment; such as, but not limited to, information and material that is, or may reasonable be perceived to be, illegal, obscene, profane, lewd, pornographic, rude or disrespectful

## **10002-AR                      Section 504/ADA**

### **10002.1-AR Introduction**

Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 require the District to accommodate the disabilities of all persons on District premises and to provide a free appropriate public education to eligible disabled students.

### **10002.2-AR Students**

The manner in which the District meets its Section 504/ADA obligations to students is set forth in *The Identification, Evaluation and Education of Students under 504*, which may be accessed by clicking on this [LINK](#). *The Identification, Evaluation and Education of Students under 504* also includes a procedure for filing and resolving complaints alleging the District did not meets its Section 504/ADA obligations. The District’s Executive Director of Special Education is responsible for complying with the District’s Section 504/ADA obligations to students and recommending necessary revisions to the District’s 504/ADA policy, this administrative regulation and the District’s *The Identification, Evaluation and Education of Students under 504*.

### **10002.3-AR Applicants and Employees**

Applicants and employees are expected to make a request for a reasonable accommodation due to disability as soon as they are aware such an accommodation is necessary. Employees should make such requests to their immediate supervisor. An applicant or employee who believes the District has not met its

obligations under Section 504/ADA is expected to file a complaint immediately with the District's Chief Human Resources Officer. The complaint will be processed and resolved according to the procedure set forth in administrative regulation 10003-AR.

#### **10002.4-AR Persons Other Than Students, Applicants and Employees**

A person other than a student (or parent acting on behalf of a student) or applicant or employee who believes the District has not met its obligations under Section 504/ADA is expected to file a written complaint immediately with the District's Executive Director of Special Education. The complaint will be processed and resolved according to the procedure set forth in administrative regulation 10003-AR.

### **10003-AR                      Illegal Discrimination, Harassment or Retaliation**

**10003-AR deleted and replaced with the following effective 1/15/2021.**

#### **10003.1-AR      Illegal Discrimination, Harassment or Retaliation**

The Board of Education has adopted anti-discrimination and anti-harassment policies that prohibit illegal discrimination and harassment in the School District's programs and activities by, among others, Board members, School District employees, and students. A student, employee, or any other person who believes a student or employee has been the victim of illegal discrimination or harassment may see resolution of the matter through the procedures that follow. Alleged discrimination and harassment, other than sexual harassment, will be investigated and resolved pursuant to 10003.2-AR or 10003.3-AR. Sexual harassment against employees and students will be investigated and resolved pursuant to 10003.4-AR, as required by Title IX and its implementing regulations. The School District's duty to investigate allegations of discrimination and harassment is not affected in cases where the same allegations have been reported to or are being investigated by law enforcement authorities.

#### **10003.11-AR Compliance Officer and Title IX Coordinator**

The Assistant Superintendent of Human Resources, whose telephone number is 248-726-3118 and whose email address is [dmurphy@rochester.k12.mi.us](mailto:dmurphy@rochester.k12.mi.us), is the School District's Compliance Officer and Title IX Coordinator for purposes of this Administrative Regulation.

#### **10003.12-AR Days**

As used in 10003.2-AR through 10003.4-AR, the word "days" means school days during the school year when school is in session and business days during the summer break.

#### **10003.2-AR      Illegal Discrimination, Harassment or Retaliation – Students**

##### **Generally**

Any student, or any other person, may report that a student has been the victim of illegal discrimination or harassment, other than sexual harassment, to the School District's Compliance Officer and Title IX Coordinator and seek resolution of the matter through the informal or formal procedures described in this Administrative Regulation.

##### **Definitions for 10003.2**

**“Complainant”** means the student who is the alleged victim of discrimination or harassment; other than sexual harassment, which is addressed by 10003.2-AR.

**“Respondent”** means the person who allegedly discriminated against or harassed Complainant.

**“Investigator”** means the person investigating a formal complaint of discrimination or harassment.

**"Discrimination"** means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, or disability. The behavior must be sufficiently severe and pervasive that it:

- Affects Complainant's ability to benefit from the School District's educational programs or activities;
- Creates an intimidating, threatening, or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with Complainant's academic performance; or,
- Otherwise adversely affects Complainant's educational opportunities.

**"Harassment"** means behavior that is threatening, harmful, or humiliating and so severe, pervasive, or persistent that it:

- Affects Complainant's ability to benefit from the School District's educational programs or activities;
- Creates an intimidating, threatening, or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with Complainant's academic performance; or,
- Otherwise adversely affects Complainant's educational opportunities.

### **Informal Complaint Resolution Procedure**

The informal complaint resolution procedure is a less formal option for a Complainant who believes s/he was the victim of discrimination or harassment. Resorting to the informal procedure is not required before filing a formal complaint. Moreover, at any time during the informal complaint resolution procedure, Complainant may request that the matter be moved to the formal complaint process. The informal complaint resolution procedure will not be used for complaints against District employees and other District-affiliated adults.

**Step 1** A student, or any other person, may report discrimination or harassment to: a School District employee or building administrator; the Superintendent or other central- office administrator; or, the Compliance Officer and Title IX Coordinator.

All informal complaints received by School District employees must be reported to the Compliance Officer and Title IX Coordinator within two (2) days. The Compliance Officer and Title IX Coordinator will either facilitate an informal resolution, as described below, or appoint another person to facilitate an informal resolution.

**Step 2** Depending upon the facts, circumstances, and wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- Counseling Complainant how to effectively communicate the unwelcome nature of the behavior to Respondent.



- Distributing a copy of the School District's anti-discrimination and anti-harassment policy and this Administrative Regulation as a reminder to Respondent and other individuals.
- If both parties agree, the Compliance Officer and Title IX Coordinator may arrange and facilitate a meeting between the Complainant and Respondent to work out a mutual resolution. Such a meeting may include some or all of the features of the restorative practices process described in the Revised School Code, [MCL 380.1310c](#).

**Step 3** The Compliance Officer and Title IX Coordinator will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If Complainant or Respondent is dissatisfied with the result, s/he may file a formal complaint.

All materials generated as part of the informal complaint resolution procedure will be retained in a single location under the control of the Compliance Officer and Title IX Coordinator in accordance with the Board of Education's records retention and/or Student Records policies.

### **Formal Complaint Resolution Procedure**

**Step 1** A student, or any other person, may file a formal complaint with: a School District employee; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator. All such complaints must be forwarded to the Compliance Officer and Title IX Coordinator within two (2) days.

All formal complaints must include the following information, to the extent it is available:

- The name of Complainant and, if different, the name of the person reporting the allegation;
- The allegation, including a description of relevant incident(s), date(s), and time(s) ( if known);
- The name(s) of all persons alleged to have committed discrimination or harassment, if known, or a description/identifying information if the name is not known; and,
- The name(s) or description/identifying information of all known witnesses.

If Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer and Title IX Coordinator will ask for the information in an interview. Thereafter, the Compliance Officer and Title IX Coordinator will prepare a written summary of the interview and ask Complainant to verify the accuracy of the summary by signing it.

**Step 2** Within two (2) days of receiving the formal complaint, the Compliance Officer and Title IX Coordinator, or designee (the Investigator), will initiate a formal investigation to determine whether Complainant has been subjected to discrimination or harassment.

**NOTE:** Upon receiving a formal complaint, the Investigator will consider whether any action should be taken during the investigation to protect Complainant from further discrimination or harassment, including, but not limited to, a no-contact order or a change of schedule for Complainant or Respondent. In making such a determination, the Compliance Officer and Title IX Coordinator will consult Complainant to assess his/her reaction to the proposed action. If Complainant disagrees with the proposed change, the Investigator may nevertheless, following consultation with the Superintendent, take whatever actions s/he deems appropriate and in the best interests of Complainant, Respondent, and the integrity of the investigation.

The Compliance Officer and Title IX Coordinator will inform Respondent that a complaint has been received. Respondent will be informed of the nature of the allegations and provided with a copy of the Board's anti-discrimination and anti-harassment policy and this Administrative Regulation. Respondent will also be provided an opportunity to submit a written response to the complaint within five (5) days. Throughout the course of the process, the Compliance Officer and Title IX Coordinator will keep both parties informed of the status of the investigation and the decision-making process.

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within fifteen (15) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;
- Interviews with other witnesses who may have information relevant to the allegations; and,
- Consideration of any relevant documents or other information presented by Complainant, Respondent, or other witnesses.

**Step 3** At the conclusion of the investigation, the Compliance Officer and Title IX Coordinator will, within fifteen (15) days of receiving the formal complaint, prepare and deliver a written report to the Superintendent summarizing the information gathered during the investigation and, if applicable, the date of any report to the police. The report will also provide recommendations based on the evidence. A preponderance of the evidence standard will be followed. The Compliance Officer and Title IX Coordinator's recommendations should consider the totality of the circumstances, including the ages and maturity levels of those involved. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent the recurrence of discrimination or harassment. Disciplinary recommendations may range from: counseling to permanent expulsion, in the case of a student; counseling to discharge, in the case of an employee; and, recommendation for censure or a complaint to the Governor, in the case of a Board member.

**Step 4** Absent extenuating circumstances, within ten (10) days of receiving the Compliance Officer and Title IX Coordinator's report, the Superintendent will issue a final decision or request further investigation. A copy of the Superintendent's final decision will be delivered to both parties.

If the Superintendent requests additional investigation, the Superintendent will specify the additional information that is to be gathered, and the additional investigation will be completed within ten (10) days. At the conclusion of the additional investigation, the Superintendent will issue a final written decision as described above.

### **Filing a Complaint with the Office for Civil Rights**

Complainant, or any other person, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

U.S. Department of Education Office for Civil Rights Cleveland Office  
1350 Euclid Avenue, Suite 325

Cleveland, Ohio 44115

(216) 522-4970

### **Cooperation with Law Enforcement Agencies**

In certain instances, allegation of discrimination and harassment may be investigated as a criminal matter. To the extent permitted by law, the District will comply with law enforcement requests for cooperation.

### **Retaliation**

Retaliation against a person who files a complaint alleging discrimination or harassment, or participates as a witness in an investigation, is strictly prohibited. Upon a finding that a person has engaged in retaliation, appropriate disciplinary action will be taken.

### **Maintenance of Records**

All materials generated as a part of the formal complaint process will be retained in a single location under the control of the Compliance Officer and Title IX Coordinator, in accordance with the Board of Education's records retention and/or Student Records policy.

## **10003.3-AR    Illegal Discrimination, Harassment or Retaliation – Employees**

### **Generally**

Any employee who believes that s/he has been the victim of illegal discrimination or harassment, other than sexual harassment, may notify the School District's Compliance Officer and Title IX Coordinator and seek resolution of the matter through the informal or formal procedures described below.

### **Definitions for 10003.3**

**"Complainant"** means the employee who is the alleged victim of discrimination or harassment; except sexual harassment, which is addressed by 10003.4-AR.

**"Respondent"** means the person who has allegedly discriminated against or harassed Complainant.

**"Investigator"** means the person investigating a formal complaint of discrimination or harassment.

**"Discrimination"** means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, age, height, weight or disability that is sufficiently severe and pervasive that it:

- Creates an intimidating, hostile, or offensive environment;
- Substantially or unreasonably interferes with Complainant's work performance, opportunities, or benefits; or,
- Otherwise adversely affects Complainant's employment;

**"Harassment"** means behavior that is threatening, harmful, or humiliating and so severe, pervasive, or persistent that it:

- Creates an intimidating, hostile, or offensive environment;
- Substantially or unreasonably interferes with Complainant's work performance, opportunities, or

- benefits; or,
- Otherwise adversely affects Complainant's employment.

### **Informal Complaint Resolution Procedure**

The informal complaint resolution procedure is a less formal option for a Complainant who believes s/he was the victim of discrimination or harassment. Resorting to the informal procedure is not required before filing a formal complaint. Moreover, at any time during the informal complaint resolution procedure, Complainant may request that the matter be moved to the formal complaint process. The informal complaint resolution procedure will not be used for complaints alleging violence.

**Step 1** The Complainant may make an informal complaint, orally or in writing, to: the building administrator of the building to which the employee is assigned; the Superintendent or other central-office administrator; or the Compliance Officer and Title IX Coordinator.

All informal complaints must be reported to the Compliance Officer and Title IX Coordinator within two (2) days. The Compliance Officer and Title IX Coordinator will facilitate an informal resolution, as described below, or appoint another individual to facilitate an informal resolution.

**Step 2** Depending upon the facts, circumstances, and wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- Advising Complainant how to effectively communicate the unwelcome nature of the behavior to Respondent.
- Distributing a copy of the anti-discrimination and anti-harassment policy and this Administrative Regulation to Respondent and other individuals.
- If both parties agree, the Compliance Officer and Title IX Coordinator may arrange and facilitate a meeting between the Complainant and the Respondent to work out a mutual resolution. However, such a meeting will not be held where sexual violence has been alleged.

**Step 3** The Compliance Officer and Title IX Coordinator will endeavor to complete the informal complaint resolution procedure within fifteen (15) days of receiving the informal complaint. If Complainant or Respondent is dissatisfied with the results of the informal complaint resolution process, s/he may file a formal complaint.

All materials generated as part of the informal complaint resolution procedure will be retained in a single location under the control of the Compliance Officer and the Title IX Coordinator, in accordance with the Board of Education's records retention policy.

### **Formal Complaint Resolution Procedure**

**Step 1** Complainant may file a formal complaint with: the building administrator of the building to which s/he is assigned; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator. The person with whom a complaint is filed must report it to the Compliance Officer and Title IX Coordinator within two (2) days.

All formal complaints must include the following information to the extent it is available:

- Complainant's name and, if different, the name of the person reporting the allegation;
- The allegation, including a description of relevant incident(s), date(s) and time(s) (if known);
- The name(s) of all persons alleged to have committed discrimination or harassment, if known, or a description/identifying information if the name is not known; and,

- The name(s) or description/identifying information of all known witnesses.

If Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer and Title IX Coordinator will ask for the details in an interview. Thereafter, the Compliance Officer and Title IX Coordinator will prepare a written summary of the interview, and Complainant will be asked to verify the summary by signing it.

**Step 2** Within two (2) days of receiving the formal complaint, the Compliance Officer and Title IX Coordinator, or designee (the Investigator), will initiate a formal investigation to determine whether Complainant has been subjected to discrimination or harassment.

NOTE: Upon receiving a formal complaint, the Investigator will consider whether any action should be taken during the investigation to protect Complainant from further discrimination or harassment, including, but not limited to, a change of work assignment or schedule for Complainant or Respondent. In making such a determination, the Investigator will consult Complainant to assess his/her reaction to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Investigator may nevertheless, after consulting with the Superintendent, take whatever actions he/she deems appropriate for the protection of Complainant, Respondent, and the integrity of the investigation.

The Investigator will inform Respondent that a complaint has been received. Respondent will be informed of the nature of the allegations and provided with a copy of the Board's anti-discrimination and anti-harassment policy and this Administrative Regulation. Respondent will also be informed of the opportunity to submit a written response to the complaint within five (5) days. Throughout the course of the process, the Compliance Officer and Title IX Coordinator will keep the parties informed of the status of the investigation and the decision-making process.

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within fifteen (15) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;
- Interviews with any other witnesses;
- Relevant documents and other information presented by Complainant, Respondent, or any other witnesses.

**Step 3** At the conclusion of the investigation, the Compliance Officer and Title IX Coordinator will, within fifteen (15) days of receiving the formal complaint, prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation, the response of School personnel, and, if applicable, the date any incident was reported to the police. The report will provide recommendations based on the evidence. The recommendations should consider the totality of the circumstances. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent recurrence of illegal discrimination or harassment. Disciplinary recommendations may range from: counseling to discharge, in the case of an employee, and censure to a complaint to the Governor, in the case of a Board member.

**Step 4** Absent extenuating circumstances, within ten (10) days of receiving the report, the Superintendent will either issue a final decision regarding whether the complaint has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both parties.

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)

days. At the conclusion of the additional investigation, the Superintendent will issue a final written decision as described above.

### **Filing a Discrimination or Harassment Complaint with State or Federal Agencies**

An employee alleging discrimination or harassment, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

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

A complaint may also, or instead, be filed with:

United States Department of Labor  
Equal Employment Opportunity Commission Detroit Field Office  
477 Michigan Avenue, Room 865  
Detroit, Michigan 48226 or

State of Michigan Department of Civil Rights  
Cadillac Place, Suite 3-600 3054 West Grand Boulevard  
Detroit, Michigan 48202

### **Cooperation with Law Enforcement Agencies**

In certain instances, an allegation of discrimination or harassment may also be investigated as a criminal matter. To the extent permitted by law, the School District will comply with law enforcement requests for cooperation.

### **Retaliation**

Retaliation against a person who files a complaint alleging discrimination or harassment, or participates as a witness in an investigation, is strictly prohibited. Upon a finding that a person has engaged in retaliation, appropriate disciplinary action will be taken.

### **Maintenance of Records**

All materials generated as a part of the formal complaint process will be retained in a single location under the control of one of the Compliance Officer and Title IX Coordinator in accordance with the Board of Education's records retention policy.

**10003.4-AR Sexual Harassment – Employees and Students (added 1/15/2021)**

**Sexual Harassment – Employees and Students**

## **Generally**

This Administrative Regulation sets forth the procedure the School District follows to investigate and resolve allegations of sexual harassment against School District employees or students. Administrative Regulations 10003.2AR and 10003.3-AR apply to illegal discrimination and harassment on other bases.

The School District's Title IX Coordinator is responsible for implementing 10003.4 -AR. The Title IX Coordinator will ensure his/her contact information is posted on the School District's website, included in the School District's annual notifications document, published in every handbook and catalogue distributed to parents and students, and conveyed to the president of every School District collective bargaining unit.

## **Definitions for 10003.4 AR**

**"Complainant"** means an employee or student who is the alleged victim of conduct that could constitute sexual harassment.

**"Respondent"** means the person who has been reported to be the perpetrator of conduct that could constitute sexual harassment against a Complainant.

**"Investigator"** means a person the Title IX Coordinator has appointed to investigate allegations of sexual harassment against a Respondent.

**"Sexual Harassment"** means, with respect to the School District's programs and services:

- Conditioning an aid, benefit, or service on Complainant's participation in unwelcome sexual conduct;
- Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies Complainant equal access to the School District's programs or activities; or,
- "Sexual assault" as defined in [20 USC 1092\(f\)\(6\)\(A\)\(v\)](#), "dating violence" as defined in [34 USC 12291\(a\)\(10\)](#), "domestic violence" as defined in [34 USC 12291\(a\)\(8\)](#), or "stalking" as defined in [34 USC 12291\(a\)\(30\)](#).

## **Duty to Respond**

The School District has a duty to respond to alleged sexual harassment any time a School District employee reports an employee or student has been sexually harassed and any time any other person makes a report of sexual harassment to the Title IX Coordinator. School District employees are required to report all incidents of suspected sexual harassment to the Title IX Coordinator.

## **Supportive Measures**

The Title IX Coordinator, upon receiving a report of sexual harassment, will promptly contact Complainant to offer supportive measures, regardless whether a formal complaint is filed. Supportive measures are non-punitive individualized services, at no cost to Complainant, intended to restore or preserve Complainant's access to the School District's programs and activities without unreasonably burdening Respondent. Supportive measures may include, but are not limited to: the Title IX Coordinator's duty to discuss options with Complainant, including explaining the process for filing a formal complaint; and, no-contact orders, counseling, course modifications, schedule changes, transfers, or increased security and monitoring. The Title IX Coordinator will take into account Complainant's wishes before implementing supportive measures.

Action to remove Respondent from the School District prior to a final decision is not a supportive measure. However, the Title IX Coordinator may, after an individualized risk assessment of Respondent takes place, temporarily remove Respondent from the School District if s/he poses an immediate threat to the physical health or safety of Complainant or any other person. In such cases, upon removal, the Title IX Coordinator

will provide Respondent with notice and an opportunity to challenge the temporary removal at the earliest possible date. The Title IX Coordinator may, after consulting with the School District's chief human resources officer, place a Respondent-employee on temporary administrative leave. A temporary removal or administrative leave will end when a final decision is reached.

### **Formal Complaint**

A Complainant may file a formal complaint. The Title IX Coordinator may file a formal complaint even if Complainant declines to do so. The formal complaint will include: the names of Complainant and Respondent, or identifying information if Respondent's name is unknown; as complete a description of the alleged sexual harassment as is available, including dates, times, and places; actual and potential witnesses; actual and potential relevant documents, data, and other items; and, the signature of the student or the Title IX Coordinator.

### **Response to Formal Complaint and Grievance Procedure**

The Title IX Coordinator will ensure that, at every step of the Grievance Procedure: the parties are treated equitably; all information and evidence is evaluated objectively; and, there are no conflicts of interest affecting the Title IX Coordinator or any informal resolution facilitator, Investigator, Decision-Maker, or any individual resolving an appeal.

### **Notice**

Upon receiving or filing a formal complaint, the Title IX Coordinator will issue a notice to Complainant and Respondent. The notice will include: a statement of the allegations, in sufficient detail to permit Respondent to prepare a response; a statement Respondent is presumed not responsible unless a final decision is rendered against Respondent; the parties' right to inspect the formal complaint and all evidence gathered during any investigation; the parties' right to be represented by an advisor or advocate, who may be an attorney; and, any provision in the School District's Student Code of Conduct prohibiting knowingly making a false statement or providing false evidence or information. If, during the investigation, the School District decides to investigate allegations that were not included in the original notice, the Title IX Coordinator will notify Complainant and Respondent of the additional allegations.

### **Dismissal**

The Title IX Coordinator must dismiss a formal complaint if the allegations: do not establish sexual harassment even if they are true; did not occur in connection with the School District's programs and services; or, did not occur in the United States. The Title IX Coordinator may dismiss a formal complaint, in whole or in part, if: Complainant withdraws some or all of the allegations; Respondent's employment or enrollment in the School District ends; or, specific circumstances prevent the School District from gathering sufficient relevant evidence to reach a decision disposing of the formal complaint. The School District's Title IX Coordinator will notify Complainant and Respondent, in writing, if a formal complaint is dismissed, including an explanation for the dismissal. The Complainant may appeal the dismissal.

### **Informal Resolution**

The School District cannot informally resolve an allegation of sexual harassment before a formal complaint is filed. The allegations in a formal complaint may not be resolved informally unless: Claimant and Respondent have been provided notice of their rights by delivery of the applicable anti-harassment policy and 8007.3-AR; and, Claimant and Respondent have voluntarily consented to informal resolution, in writing, after having been informed when informal resolution may preclude the resumption of a formal complaint investigation. Informal resolution may consist of a voluntary agreement between Claimant and Respondent, facilitated and documented by the Title IX Coordinator, or his/her designee; restorative



practices, such as described at [MCL 380.1310c](#); or, facilitative mediation by an experienced mediator. Informal resolution may also be reached through other conflict resolution strategies, including arbitration. Informal resolution may not be used to resolve an allegation that a School District employee sexually harassed a student.

### **Investigation**

The Title IX Coordinator, or designee (the Investigator), will investigate a formal complaint. The burden of undertaking and completing the investigation rests on the School District. The Investigator will be appointed within two (2) days from the date the Title IX Coordinator receives or files the formal complaint. The Investigator will presume Respondent is not responsible unless a final decision against Respondent is reached. The Investigator will not require, seek, or rely on privileged information without consent of the privilege-holder.

The Investigator will notify Respondent of his/her right to file a written response to the formal complaint within five (5) days from the date Respondent received the formal complaint. Regardless whether Respondent files a written response, the Investigator will, within ten (10) days, complete an investigation that will include, but not be limited to: interviewing Complainant and Respondent and preparing interview summaries; interviewing all actual and potentially relevant witnesses identified by Complainant and Respondent, including expert witnesses, and preparing interview summaries; obtaining, to the extent they are available, all relevant documents, data, and other items identified by Claimant, Respondent, and witnesses; preparing an investigative report that fairly summarizes the relevant evidence; and, providing the investigative report to the parties simultaneously. The parties and their advisors may attend party interviews and the Investigator will provide sufficient notice to permit them to prepare. The School District will not interfere with the parties' ability to discuss the allegations or gather and present evidence, except to the extent a no-contact or similar order has been issued by the Title IX Coordinator.

The Title IX Coordinator will, upon receiving the Investigator's Report, notify the parties of their right to: submit relevant written questions to parties and witnesses, receive answers, and submit limited follow-up questions; and, after any such answers are received, file a written response to the Investigator's Report within seven (7) days from such receipt. If the Investigator declines to submit a question, s/he will provide a written explanation to the party who posed it.

The Title IX Coordinator may permit an adjournment of the investigative timelines for good cause and, in the event of an adjournment, so notify Complainant and Respondent. Separately, if Respondent is a School District employee, the Title IX Coordinator will review any applicable collective bargaining agreement and grant any required adjournment of the investigative timelines.

### **Decision**

The Title IX Coordinator will appoint a Decision-Maker, who is not the Title IX Coordinator or Investigator. The Decision-Maker will objectively review all inculpatory and exculpatory evidence gathered during the investigation including, but not limited to, the formal complaint, Respondent's response, if any, the Investigator's entire file and investigative report, and the parties' responses to the investigative report, if any. Credibility determinations, if any, will not be based on an individual's status as Complainant, Respondent, or witness. The Decision-Maker will not hold Respondent responsible unless a preponderance of the evidence establishes Respondent sexually harassed Complainant. Regardless whether the Decision-Maker concludes Respondent is responsible, the Decision-Maker will issue a decision within ten (10) days of his/her appointment and will provide the decision to Complainant and Respondent simultaneously. The decision will include: Complainant's allegations; procedural steps taken with respect to the allegations, including notifications, interviews, site visits, and any other methods used to gather evidence; findings of fact; the application of the applicable anti-harassment policy, this 10003.4-AR, and the School District's Student Code of Conduct to the facts; and, a statement of all rationale for the result as to each allegation, including determinations of responsibility, disciplinary sanctions, whether Complainant will be provided remedies to restore or preserve his/her equal access to the School District's education programs and activities, and the procedure and bases for appeal. Upon a finding of responsibility,

sanctions for Respondent-students may range from administrative intervention to permanent expulsion. Sanctions for Respondent-employees may range from counseling to discharge. Sanctions for Respondent-Board members may range from censure to a petition to the Governor for removal from the Board of Education.

### **Appeal**

Complainant or Respondent may appeal the Decision-Maker's decision by filing an appeal with the Superintendent within five (5) days from receipt of the decision. The Superintendent will provide notice to the opposite party if an appeal is filed, including a copy of the appeal and an opportunity to respond. The appeal must include all of the reasons the appealing party disagrees with the decision. The Superintendent will review the appeal and, based on the appeal, the decision, and the entire record upon which the decision is based, will affirm the decision, in whole or in part, or reverse the decision, in whole or in part. The Superintendent may reverse the decision, in whole or in part: based on procedural irregularity affecting the outcome, including the failure to comply with 10003.4-AR; the Decision-Maker's lack of knowledge of newly discovered evidence; or, bias or conflict of interest on the part of the Title IX Coordinator, Investigator, or Decision-Maker. The Superintendent may, if warranted, remand the decision, in whole or in part, for additional investigation by the original or a different Investigator and/or further consideration by the original or a different Decision-Maker. The Superintendent will issue his/her decision within ten (10) days of receiving the appeal or response, if any, and provide his/her decision to the parties simultaneously.

The grievance process is complete and a final decision is reached when no timely appeal is taken or after the appeal process is completed.

### **Training**

The Title IX Coordinator will ensure that s/he and all informal resolution facilitators, Investigators, and Decision-Makers (including those who resolve appeals) receive the following training: the definition of sexual harassment; the scope of the School District's programs and activities; how to determine whether information and evidence is relevant, including the application of Title IX's "rape-shield" provision; the grievance process, including how to conduct an investigation, how to prepare a fair summary of evidence gathered during an investigation, how to prepare a decision, and how to resolve an appeal; and, how to serve impartially, including avoiding prejudgment of facts, conflicts of interest, and bias. The Title IX Coordinator is responsible for ensuring the School District's training and training materials are posted on the School District's website.

### **Confidentiality and Retaliation**

Except as required or permitted by law, the School District will keep confidential the identity of any individual who makes a report or complaint of sexual harassment, any individual who is identified as a potential or actual Complainant or Respondent, and any witness. Neither the School District nor any other person may illegally retaliate against an individual who has made a report or a formal complaint or has participated or refused to participate in an investigation or other proceeding under this Administrative Regulation. Retaliation includes actual and attempted threats, coercion, or discrimination.

### **Filing with OCR or EEOC**

An employee or student alleging harassment may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

United States Department of Education Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
(216) 522-4970

FAX: (216) 522-2573  
TDD: (216) 522-4944  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)  
Web: <http://www.ed.gov/ocr>

An employee alleging sexual harassment against another employee or supervisor may also, or instead, file a complaint with:

United States Department of Labor  
Equal Employment Opportunity Commission Detroit Field Office  
477 Michigan Avenue, Room 865  
Detroit, Michigan 48226 or

State of Michigan Department of Civil Rights  
Cadillac Place, Suite 3-600 3054 West Grand Boulevard  
Detroit, Michigan 48202

### **Cooperation with Law Enforcement Agencies**

In certain instances, an allegation of sexual harassment may be investigated as a criminal matter. To the extent permitted by law, the School District will comply with law enforcement requests for cooperation.

### **Record Retention**

The School District will retain, for at least seven (7) years: all training materials; all reports received by the Title IX Coordinator and actions taken in response to such reports, including why any decision not to provide supportive services was not clearly unreasonable; and, all formal complaints, documents, and other items (including data) arising from formal complaints or investigations conducted pursuant to this Administrative Regulation, including investigative reports and related documents, decisions, appeals and appeal decisions, and informal resolutions.

## **10003.4-AR Sexual Harassment – Employees and Students (added 1/15/2021)**

### **Sexual Harassment – Employees and Students**

#### **Generally**

This Administrative Regulation sets forth the procedure the School District follows to investigate and resolve allegations of sexual harassment against School District employees or students. Administrative Regulations 10003.2AR and 10003.3-AR apply to illegal discrimination and harassment on other bases.

The School District's Title IX Coordinator is responsible for implementing 10003.4 -AR. The Title IX Coordinator will ensure his/her contact information is posted on the School District's website, included in the School District's annual notifications document, published in every handbook and catalogue distributed to parents and students, and conveyed to the president of every School District collective bargaining unit.

#### **Definitions for 10003.4 AR**

**“Complainant”** means an employee or student who is the alleged victim of conduct that could constitute sexual harassment.

**“Respondent”** means the person who has been reported to be the perpetrator of conduct that could constitute sexual harassment against a Complainant.

**“Investigator”** means a person the Title IX Coordinator has appointed to investigate allegations of sexual harassment against a Respondent.

**“Sexual Harassment”** means, with respect to the School District's programs and services:

- Conditioning an aid, benefit, or service on Complainant's participation in unwelcome sexual conduct;
- Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies Complainant equal access to the School District's programs or activities; or,
- “Sexual assault” as defined in [20 USC 1092\(f\)\(6\)\(A\)\(v\)](#), “dating violence” as defined in [34 USC 12291\(a\)\(10\)](#), “domestic violence” as defined in [34 USC 12291\(a\)\(8\)](#), or “stalking” as defined in [34 USC 12291\(a\)\(30\)](#).

### **Duty to Respond**

The School District has a duty to respond to alleged sexual harassment any time a School District employee reports an employee or student has been sexually harassed and any time any other person makes a report of sexual harassment to the Title IX Coordinator. School District employees are required to report all incidents of suspected sexual harassment to the Title IX Coordinator.

### **Supportive Measures**

The Title IX Coordinator, upon receiving a report of sexual harassment, will promptly contact Complainant to offer supportive measures, regardless whether a formal complaint is filed. Supportive measures are non-punitive individualized services, at no cost to Complainant, intended to restore or preserve Complainant's access to the School District's programs and activities without unreasonably burdening Respondent. Supportive measures may include, but are not limited to: the Title IX Coordinator's duty to discuss options with Complainant, including explaining the process for filing a formal complaint; and, no-contact orders, counseling, course modifications, schedule changes, transfers, or increased security and monitoring. The Title IX Coordinator will take into account Complainant's wishes before implementing supportive measures.

Action to remove Respondent from the School District prior to a final decision is not a supportive measure. However, the Title IX Coordinator may, after an individualized risk assessment of Respondent takes place, temporarily remove Respondent from the School District if s/he poses an immediate threat to the physical health or safety of Complainant or any other person. In such cases, upon removal, the Title IX Coordinator will provide Respondent with notice and an opportunity to challenge the temporary removal at the earliest possible date. The Title IX Coordinator may, after consulting with the School District's chief human resources officer, place a Respondent-employee on temporary administrative leave. A temporary removal or administrative leave will end when a final decision is reached.

### **Formal Complaint**

A Complainant may file a formal complaint. The Title IX Coordinator may file a formal complaint even if Complainant declines to do so. The formal complaint will include: the names of Complainant and Respondent, or identifying information if Respondent's name is unknown; as complete a description of the alleged sexual harassment as is available, including dates, times, and places; actual and potential witnesses; actual and potential relevant documents, data, and other items; and, the signature of the student or the Title IX Coordinator.

### **Response to Formal Complaint and Grievance Procedure**

The Title IX Coordinator will ensure that, at every step of the Grievance Procedure: the parties are treated equitably; all information and evidence is evaluated objectively; and, there are no conflicts of interest

affecting the Title IX Coordinator or any informal resolution facilitator, Investigator, Decision-Maker, or any individual resolving an appeal.

### **Notice**

Upon receiving or filing a formal complaint, the Title IX Coordinator will issue a notice to Complainant and Respondent. The notice will include: a statement of the allegations, in sufficient detail to permit Respondent to prepare a response; a statement Respondent is presumed not responsible unless a final decision is rendered against Respondent; the parties' right to inspect the formal complaint and all evidence gathered during any investigation; the parties' right to be represented by an advisor or advocate, who may be an attorney; and, any provision in the School District's Student Code of Conduct prohibiting knowingly making a false statement or providing false evidence or information. If, during the investigation, the School District decides to investigate allegations that were not included in the original notice, the Title IX Coordinator will notify Complainant and Respondent of the additional allegations.

### **Dismissal**

The Title IX Coordinator must dismiss a formal complaint if the allegations: do not establish sexual harassment even if they are true; did not occur in connection with the School District's programs and services; or, did not occur in the United States. The Title IX Coordinator may dismiss a formal complaint, in whole or in part, if: Complainant withdraws some or all of the allegations; Respondent's employment or enrollment in the School District ends; or, specific circumstances prevent the School District from gathering sufficient relevant evidence to reach a decision disposing of the formal complaint. The School District's Title IX Coordinator will notify Complainant and Respondent, in writing, if a formal complaint is dismissed, including an explanation for the dismissal. The Complainant may appeal the dismissal.

### **Informal Resolution**

The School District cannot informally resolve an allegation of sexual harassment before a formal complaint is filed. The allegations in a formal complaint may not be resolved informally unless: Claimant and Respondent have been provided notice of their rights by delivery of the applicable anti-harassment policy and 8007.3-AR; and, Claimant and Respondent have voluntarily consented to informal resolution, in writing, after having been informed when informal resolution may preclude the resumption of a formal complaint investigation. Informal resolution may consist of a voluntary agreement between Claimant and Respondent, facilitated and documented by the Title IX Coordinator, or his/her designee; restorative practices, such as described at [MCL 380.1310c](#); or, facilitative mediation by an experienced mediator. Informal resolution may also be reached through other conflict resolution strategies, including arbitration. Informal resolution may not be used to resolve an allegation that a School District employee sexually harassed a student.

### **Investigation**

The Title IX Coordinator, or designee (the Investigator), will investigate a formal complaint. The burden of undertaking and completing the investigation rests on the School District. The Investigator will be appointed within two (2) days from the date the Title IX Coordinator receives or files the formal complaint. The Investigator will presume Respondent is not responsible unless a final decision against Respondent is reached. The Investigator will not require, seek, or rely on privileged information without consent of the privilege-holder.

The Investigator will notify Respondent of his/her right to file a written response to the formal complaint within five (5) days from the date Respondent received the formal complaint. Regardless whether Respondent files a written response, the Investigator will, within ten (10) days, complete an investigation that will include, but not be limited to: interviewing Complainant and Respondent and preparing interview summaries; interviewing all actual and potentially relevant witnesses identified by Complainant and Respondent, including expert witnesses, and preparing interview summaries; obtaining, to the extent they

are available, all relevant documents, data, and other items identified by Claimant, Respondent, and witnesses; preparing an investigative report that fairly summarizes the relevant evidence; and, providing the investigative report to the parties simultaneously. The parties and their advisors may attend party interviews and the Investigator will provide sufficient notice to permit them to prepare. The School District will not interfere with the parties' ability to discuss the allegations or gather and present evidence, except to the extent a no-contact or similar order has been issued by the Title IX Coordinator.

The Title IX Coordinator will, upon receiving the Investigator's Report, notify the parties of their right to: submit relevant written questions to parties and witnesses, receive answers, and submit limited follow-up questions; and, after any such answers are received, file a written response to the Investigator's Report within seven (7) days from such receipt. If the Investigator declines to submit a question, s/he will provide a written explanation to the party who posed it.

The Title IX Coordinator may permit an adjournment of the investigative timelines for good cause and, in the event of an adjournment, so notify Complainant and Respondent. Separately, if Respondent is a School District employee, the Title IX Coordinator will review any applicable collective bargaining agreement and grant any required adjournment of the investigative timelines.

### **Decision**

The Title IX Coordinator will appoint a Decision-Maker, who is not the Title IX Coordinator or Investigator. The Decision-Maker will objectively review all inculpatory and exculpatory evidence gathered during the investigation including, but not limited to, the formal complaint, Respondent's response, if any, the Investigator's entire file and investigative report, and the parties' responses to the investigative report, if any. Credibility determinations, if any, will not be based on an individual's status as Complainant, Respondent, or witness. The Decision-Maker will not hold Respondent responsible unless a preponderance of the evidence establishes Respondent sexually harassed Complainant. Regardless whether the Decision-Maker concludes Respondent is responsible, the Decision-Maker will issue a decision within ten (10) days of his/her appointment and will provide the decision to Complainant and Respondent simultaneously. The decision will include: Complainant's allegations; procedural steps taken with respect to the allegations, including notifications, interviews, site visits, and any other methods used to gather evidence; findings of fact; the application of the applicable anti-harassment policy, this 10003.4-AR, and the School District's Student Code of Conduct to the facts; and, a statement of all rationale for the result as to each allegation, including determinations of responsibility, disciplinary sanctions, whether Complainant will be provided remedies to restore or preserve his/her equal access to the School District's education programs and activities, and the procedure and bases for appeal. Upon a finding of responsibility, sanctions for Respondent-students may range from administrative intervention to permanent expulsion. Sanctions for Respondent-employees may range from counseling to discharge. Sanctions for Respondent-Board members may range from censure to a petition to the Governor for removal from the Board of Education.

### **Appeal**

Complainant or Respondent may appeal the Decision-Maker's decision by filing an appeal with the Superintendent within five (5) days from receipt of the decision. The Superintendent will provide notice to the opposite party if an appeal is filed, including a copy of the appeal and an opportunity to respond. The appeal must include all of the reasons the appealing party disagrees with the decision. The Superintendent will review the appeal and, based on the appeal, the decision, and the entire record upon which the decision is based, will affirm the decision, in whole or in part, or reverse the decision, in whole or in part. The Superintendent may reverse the decision, in whole or in part: based on procedural irregularity affecting the outcome, including the failure to comply with 10003.4-AR; the Decision-Maker's lack of knowledge of newly discovered evidence; or, bias or conflict of interest on the part of the Title IX Coordinator, Investigator, or Decision-Maker. The Superintendent may, if warranted, remand the decision, in whole or in part, for additional investigation by the original or a different Investigator and/or further consideration by the original or a different Decision-Maker. The Superintendent will issue his/her decision within ten (10) days of receiving the appeal or response, if any, and provide his/her decision to the parties simultaneously.

The grievance process is complete and a final decision is reached when no timely appeal is taken or after the appeal process is completed.

### **Training**

The Title IX Coordinator will ensure that s/he and all informal resolution facilitators, Investigators, and Decision-Makers (including those who resolve appeals) receive the following training: the definition of sexual harassment; the scope of the School District's programs and activities; how to determine whether information and evidence is relevant, including the application of Title IX's "rape-shield" provision; the grievance process, including how to conduct an investigation, how to prepare a fair summary of evidence gathered during an investigation, how to prepare a decision, and how to resolve an appeal; and, how to serve impartially, including avoiding prejudgment of facts, conflicts of interest, and bias. The Title IX Coordinator is responsible for ensuring the School District's training and training materials are posted on the School District's website.

### **Confidentiality and Retaliation**

Except as required or permitted by law, the School District will keep confidential the identity of any individual who makes a report or complaint of sexual harassment, any individual who is identified as a potential or actual Complainant or Respondent, and any witness. Neither the School District nor any other person may illegally retaliate against an individual who has made a report or a formal complaint or has participated or refused to participate in an investigation or other proceeding under this Administrative Regulation. Retaliation includes actual and attempted threats, coercion, or discrimination.

### **Filing with OCR or EEOC**

An employee or student alleging harassment may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

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

An employee alleging sexual harassment against another employee or supervisor may also, or instead, file a complaint with:

United States Department of Labor  
Equal Employment Opportunity Commission Detroit Field Office  
477 Michigan Avenue, Room 865  
Detroit, Michigan 48226 or

State of Michigan Department of Civil Rights  
Cadillac Place, Suite 3-600 3054 West Grand Boulevard  
Detroit, Michigan 48202

### **Cooperation with Law Enforcement Agencies**

In certain instances, an allegation of sexual harassment may be investigated as a criminal matter. To the extent permitted by law, the School District will comply with law enforcement requests for cooperation.



## **Record Retention**

The School District will retain, for at least seven (7) years: all training materials; all reports received by the Title IX Coordinator and actions taken in response to such reports, including why any decision not to provide supportive services was not clearly unreasonable; and, all formal complaints, documents, and other items (including data) arising from formal complaints or investigations conducted pursuant to this Administrative Regulation, including investigative reports and related documents, decisions, appeals and appeal decisions, and informal resolutions.

## **10005-AR Communicable Diseases**

### **10005.1-AR Introduction**

Where a student or staff member has been diagnosed with a communicable disease, the School District's administration will consult the most recent County Health Division Reference Chart to determine and implement exclusion and re-admittance of such individuals. Oakland County Health Division staff will be contacted as needed for consultation and clarification.

### **10005.2-AR Communicable Diseases, Which Are Known Not To Be Spread by Casual Contact**

Communicable diseases that are known not to be spread by casual contact include Hepatitis B, HIV infections, ARC (AIDS Related Complex), AIDS and other diseases that are transmittable by blood, other body fluids and other body products, which present potentially serious health problems for those who contract the disease. The following procedure is intended to assure that both the rights of the individual and the school community at large are protected, and that each case will be determined on an individual basis.

### **10005.3-AR HIV, ARC or AIDS**

When a District employee reasonably suspects that a student or staff member is infected with HIV, ARC or AIDS, he/she must notify his/her immediate supervisor. The supervisor must notify the Oakland County Health Division, if such notice is thought reasonably necessary to: protect the health of the student or staff member, prevent further transmission of the disease, or, diagnose and care for the student or staff member. District employees may not provide the Oakland County Health Division with the name of the student or staff member unless such information is reasonably necessary to accomplish the above-mentioned purposes.

The supervisor must also request the permission of the affected student's parent or guardian, or the staff member, to inform the Superintendent and other necessary persons of the suspected illness. If such consent cannot be obtained, the employee shall inform the Superintendent of the matter in such a way that does not reveal the identity of the affected person. The Superintendent may then seek a court order permitting the Superintendent to obtain the information and disclose it to Board of Education members and other necessary persons.

Upon receipt of the consent of the affected student's parent or guardian, or the staff member, or a court order permitting the review process to proceed, the Superintendent shall select a Communicable Disease Review Committee and direct the Committee to meet within five (5) school days. The Committee may be comprised of the following individuals:

- An official representative of the District, designated by the Superintendent, who will chair the Committee.
- The principal of the school of the affected student or staff member.



- The physician who is treating the affected individual.
- A physician appointed by the Superintendent to represent the District.
- A representative of the Oakland County Health Division.
- A parent/guardian if the affected individual is a student, and the affected individual and/or his/her representative if the affected individual is a staff person.
- A special education teacher, when the affected student is a special education student.
- Other persons designated by the Superintendent, the Committee or the court.

The Committee shall make a written recommendation to the Superintendent, based on the affected student or staff member's neurological and physical condition and the expected type of interaction with others in the affected student or staff member's school or employment setting, as to whether the person should be excluded from the school or employment setting and all school sponsored activities, restricted in his/her activities in the school or employment setting, or remain in an unrestricted school or employment setting. The Committee's actions and recommendations must be consistent with applicable law.

- If the Committee recommends that the student or staff member remain in his/her present school or employment setting, but that he/she is restricted from participating in certain activities, or that consideration be given to an alternate setting within the District, the Committee shall set forth, in writing, the precautionary/sanitary measures, if any, that should be taken to protect the health and welfare of the student or staff member and the school community.
- If the Committee recommends that the student or staff member remain in an unrestricted school setting, the Committee must so state in writing, and further state what precautionary/sanitary measures, if any, should be taken to protect the health and welfare of the student or staff member and the school community.
- If the Committee recommends that the affected student or staff member be totally excluded from his/her former school or employment setting based upon his/her neurological and physical condition and expected type of interaction with others in that setting, the Committee must so state in writing. The Committee shall also state the conditions under which it would consider the student or employee's return to a restricted or unrestricted school or employment setting.
- The Committee shall provide the Superintendent with its written recommendation within ten (10) school days of its meeting, unless the Committee determines that additional time is necessary in order to obtain pertinent medical information regarding the student or staff member's condition and/or that additional diagnostic testing is necessary for a thorough review of the matter.
- In the event that the Committee's decision is not unanimous, the dissenting member(s) shall be given the opportunity to attach a written dissenting report to the Committee's recommendation within twenty-four (24) hours of the presentation of the Committee's report to the Superintendent.

- Upon the Superintendent's receipt of the Committee's written report, the Superintendent shall, within five (5) school days, make a determination regarding the student or employee's status. The Superintendent's decision will be consistent with law including whether, with reasonable accommodation, the student or staff member can remain in the school or employment setting without posing a health risk to himself/herself or others in the school community. In the event that the Superintendent determines that a student or staff member should be excluded from the school setting, he/she shall so advise the affected person, and, where a student is involved, his/her parent or guardian.
- Where an affected student or staff member is permitted to remain in either a restricted or unrestricted school setting, the Superintendent shall designate a school representative to monitor changes in the student or staff member's medical status on a monthly basis, or more frequently if deemed appropriate. The Superintendent shall seek written permission from the affected person or parent prior to designating the responsible school representative. If the written authorization cannot be obtained, the Superintendent shall seek an order from the court permitting such. The Superintendent, with input from the Committee, shall reassess the status of the student or staff member at not less often than annual intervals.
- All time lines set forth herein may be extended where required by the individual circumstances of the case.

#### **10005.4-AR      Communicable Diseases That Are Known To Be Spread By Casual Contact, Other Than HIV, ARC or AIDs**

For communicable diseases that are known not to be spread by casual contact, other than HIV, ARC or AIDS, the identical procedures set forth above will be followed, except that there will be no necessity of court involvement to obtain the infected person's consent to disclosure of his/her identity to the Superintendent and other necessary persons.

If a School District employee believes that disclosure of such information is reasonably necessary to: protect the health of the student or staff member, prevent further transmission of the disease or diagnose and care for the student or staff member, the District employee will advise his/her supervisor that a student or staff member may have a serious communicable disease known not to be spread by casual contact. The identity of the student or staff member may not be disclosed unless written authorization is obtained from the affected student's parent or the staff member, or is otherwise necessary to satisfy the requirements of this section. The supervisor will immediately inform the Superintendent or his/her designee.

#### **10005.5-AR      Confidentiality**

School District personnel will, at all times, respect the student's right to privacy, including maintaining student records and information in accordance with the requirements of the Michigan Public Health Code, MCLA 333.5101, et seq. and the Family Educational Rights and Privacy Act, 20 USC 1232g. The privacy rights of affected staff members shall be similarly affected including maintaining employment records and information in accordance with the requirements of the Michigan Public Health Code, MCLA 333.5101, et seq., the Bullard Plawecki Employee Right to Know Act, MCLA 421.501, any applicable contractual provisions, and Board of Education policy and regulations.

**10006.1-AR Introduction**

These guidelines are intended to assist staff in determining the permitted use of copyrighted materials. They apply to materials used within the classroom, as well as in staff members' instructional and research activities. Before beginning or authorizing a reproduction, a School District employee must determine whether the copying is expressly permitted within the guidelines. If copying is not expressly permitted, or if there are any questions, the issue should be brought to the attention of the building principal.

**10006.2-AR Single Copy for Teacher's Use**

A single copy of a copyrighted work may be made of the following by or for a teacher for use in teaching or for research purposes: a chapter from a book; an article from a periodical or newspaper; a short story, short essay or short poem, whether or not part of a collective work; or, a chart, graph, diagram, cartoon or picture from a book, periodical, or newspaper.

**10006.3-AR Multiple Copies for Classroom Use**

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