Fennville Public Schools

District Policies

At the time of initial adoption in 2024:

Mr. Tobias Hutchins, Board President

Mr. Manuel Sanchez, Vice President

Mrs. Juliet Michele, Treasurer

Mr. Ross Thiele, Secretary

Mrs. Natalie Bosby, Trustee

Mr. Paul Hapke, Trustee

Mrs. Angie Pena-Smith, Trustee

Dr. Doug Greer, Superintendent

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Series 1000: Policy Overview, Mission Statement, and Definitions

1100 Policy Overview

1101 General Policy Statement

The Board will establish, maintain, and amend bylaws and Policies (together, "Policies") that guide the District and assist the Board and its designees with carrying out District functions and duties.

A. Policies serve to:

1. formally articulate the Board's goals, standards, and objectives;

2. provide the Board, administrators, and other personnel with guidance in making decisions that affect District operations, functions, and duties; and

3. inform the public of the manner in which the Board, administrators, and other personnel conduct District operations, functions, and duties.

Policies are intended to be flexible where possible.

B. Specific administrative regulations, procedures, practices, contracts, collective bargaining agreements, handbooks, and other documents also may guide and govern actions and decisions and should be consistent with Policies.

1. Collective Bargaining Agreements and Past Practice

These Policies supersede any inconsistent past practice. The Policies, however, are not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law.

2. Other Contracts and Legal Obligations

These Policies do not change or alter the terms of enforceable contracts or other legal obligations.

C. Validity of Policies

Policies should be interpreted consistent with applicable law. If a court determines that a Policy provision is invalid or that a changed legal standard makes a provision unlawful, the unaffected provisions remain in force.

A violation of Policies may result in discipline, including discharge.

Date revised:

1200 Mission Statement

1201 Mission Statement

Cultivating educational excellence with a global perspective in a community atmosphere.

Legal authority: MCL 380.11a, 380.601a

Date revised:

1300 Creation, Amendment, and Posting of Policies

1301 Creation, Amendment, and Posting of Policies

Each of these Policies will become an official District Policy when approved by a majority vote of the Board at a lawfully convened meeting. The adopted Policies override and supplant previously adopted Policies and Board resolutions.

The Board may adopt or amend any Policy after a single reading at a regular or special Board meeting, unless the law requires more than 1 reading due to the Policy's subject matter. The Board may, in its discretion, review Policies at multiple meetings before taking action.

Each Policy will reflect any applicable "revised" date, and the "adopted" date applies to all policies.

The Superintendent will maintain a master copy of these Policies in the District's central office, and the Policies may be posted on, or linked to, the District's website. The Board will post Policies on its website if required by law.

The Board may update, add, or delete Policies as needed. Unless otherwise directed by the Board, the master copy will be considered the official District Policy Manual, provided the master copy includes all Board-approved Policies.

Legal authority: MCL 380.11a, 380.601a

Date revised:

1400 Definitions

1401 Definitions

The following definitions apply throughout this Policy Manual. If a word is defined within a specific Policy, the definition is intended to apply only to that specific Policy. Undefined words are intended to have their ordinary meaning.

A. Capitalized terms used in these Policies are defined as follows:

1. “Board” means the District’s Board of Education.
2. “District” means Fennville Public Schools.
3. “MDE” means the Michigan Department of Education.
4. “Superintendent” means the Superintendent of Schools. Where permitted by law, Superintendent also means the Superintendent’s designee.
5. “State” means the State of Michigan.

B. If an individual Policy does not define the following words differently, the definitions listed below will generally apply:

1. “Business Day” means, regardless of capitalization, a day that the District’s central office is open for business.
2. “Year” means the District’s fiscal year, July 1 to June 30.
3. “Supervisor” means the direct or immediate supervisor of the applicable position or employee.
4. “Employee” means a person directly employed by the Board. Policies classify employees in four categories: (1) non-exempt staff, (2) teachers and non-teaching professionals, (3) administrators and supervisors, and (4) the Superintendent.
5. “Parent” means a student’s natural or adoptive parent or legal guardian.
6. “Personnel” means persons employed by, contracting with, or volunteering for the Board.
7. “Policy” means a bylaw or Policy adopted by the Board.

Date revised:

Series 2000: Bylaws

2100 Official Description, Purpose, and Board Organization

2101 Roles of the Board and Board Members

A. Role of the Board

The Board has the legal authority and duty to provide public elementary and secondary education in its schools. The Board’s authority is based on state and federal law as set forth in Policy 2201. The Board’s primary role is to:

1. Adopt Bylaws and Policies

The Board will concern itself with broad questions about the District's operation, including the establishment of District goals, objectives, and priorities through the adoption of bylaws and policies. The Board will focus on governance, not management. Policy implementation and administrative details are tasks overseen by the Superintendent, who is responsible for the effective administration and supervision of the District. The Superintendent will apprise the Board about the implementation of its policies and will recommend changes to policies as necessary.

2. Employ and Evaluate a Superintendent

   The Board will employ or contract for a Superintendent as its chief executive to whom it will delegate the District's administration, within Board-approved parameters. The Superintendent does not assume tenure in any administrative position. As the chief administrator for the Board, the Superintendent will implement Board policies and supervise the District's day-to-day operations. The Superintendent will furnish educational leadership to the Board, District employees, and the community. The Board will annually evaluate the Superintendent in accordance with the Revised School Code. See Policies 4206 and 4603.

3. Employ or Contract with Other Administrators and Supervisors

   The Board may employ or contract with other administrators and supervisors, who do not assume tenure in their positions. The Board will prescribe the duties and fix the terms for those administrative positions. See Policies 4206 and 4501.

4. Employ Teachers

   The Board will employ teachers through contracts which will be in writing and signed on behalf of the District by the Superintendent. The Board may contract for instructional services with third parties as permitted by law. See Policies 4206 and 4401.

5. Employ or Contract with Non-Teaching Professionals

   The Board may employ non-teaching professionals. The Board may contract with non-teaching professionals through third parties as permitted by law. The Board will prescribe the duties and fix the terms for those positions. See Policies 4206 and 4401.

6. Employ or Contract with Non-Exempt Staff

   The Board may employ non-exempt staff. The Board may contract with non-exempt staff through third parties as permitted by law. The Board will prescribe the duties and fix the terms for those positions. See Policies 4206 and 4301.

7. Adopt and Oversee a Budget

The Board will annually adopt and continually monitor a budget to fund District operations, including District employees, buildings, equipment, and materials which support the District's educational program. The Superintendent or designee will manage the District's financial resources and develop a proposed budget for Board approval. The Board will maintain adequate funding reserves pursuant to Policy 3202.

8. Establish and Maintain Grades, Schools, and Departments, and Determine the Curriculum and Courses of Study

   The Board will establish and maintain the grades, schools, and departments as it considers appropriate and necessary to support the District's educational program and determine the curriculum and courses of study to educate the students enrolled in its schools.

9. Evaluate Programs

   The Board will evaluate, or cause to be evaluated, the progress and results of the District's educational programs on a continuing basis. In making those evaluations, the Board will consider the Superintendent's analysis and recommendations.

10. Act as Decision-Maker

    As delineated by applicable legal authority, policy, or collective bargaining agreement, the Board will act as a decision-maker for matters within its jurisdiction for students, employees, and the community.

    In fulfilling its duty and role, the Board acts as a body corporate at properly convened meetings held in compliance with the Open Meetings Act. See Policy 2501. A Board decision requires a majority vote of the members elected or appointed to and serving on the Board (unless otherwise expressly required by statute) and as recorded in the Board's meeting minutes.

B. Role of Board Members

1. Individual Board members do not speak on the Board's behalf without Board approval. Unless authorized, public communications by individual Board members about District matters must clearly indicate that the Board member is not speaking on the Board's behalf.

2. Board members may access information and public records as necessary to perform their duties or as otherwise permitted by law.

3. Board members may access sensitive information, including personnel files and student records, if permitted by law and necessary to perform their duties.

4. Board members will not disclose privileged or confidential information unless permitted by Board action or applicable law.

Legal authority: MCL 15.261 et seq.; MCL 141.411-.415, 141.436-.451; MCL 380.11a, 380.601, 380.1229, 380.1231, 380.1249b, 380.1250, 380.1277, 380.1282; *Tavener v Elk Rapids Rural Agric Sch Dist*, 341 Mich 244 (1954)

Date revised:

2102 School District's Legal Name and Status

The District's legal name is Fennville Public Schools, which will operate as a general powers school district under Michigan law.

Legal authority: MCL 380.11a

Date revised:

2103 School District Boundaries

The District is comprised of the geographic area in the description on file in the Board office of the Allegan Area ESA.

The Board's physical address is:

5 Memorial Drive
Fennville
Michigan, 49408

The Board's mailing address is:

Board of Education
Fennville Public Schools
5 Memorial Drive
Fennville
Michigan, 49408

Legal authority: MCL 380.11a

Date revised

2104 Intentionally Left Blank

2200 Board Powers

2201 Board Powers/General Powers

The Board exercises powers that are expressly conferred upon the Board by Michigan Constitution or statute, and that are necessarily implied or incidental to expressly conferred powers. Except as otherwise provided by law, the Board may exercise a power incidental or appropriate to the performance of a function related to the operation of a public school and the provision of public education services in the interests of public elementary and secondary education in the District.

A. Expressly Conferred Powers

1. The Board will establish and maintain the grades, schools, programs, and departments it deems necessary, which may include grades Pre-K through 12, and may provide lifelong education, adult education, community education, training, enrichment, and recreation programs.

    a. The Board may educate persons by:

        i. directly operating 1 or more public schools as defined in Revised School Code Section 5(6); and/or

        ii. causing public education services to be provided for students through an agreement, contract, or other cooperative agreement with another public entity.

    b. The Board will:

        i. ensure that each public school within the District is accredited or certified by the State Superintendent as having met or exceeded established standards;

        ii. ensure that the requirements of Revised School Code Sections 1204a (annual reports), 1277a (disaggregation of data by gender for school improvement planning purposes), 1278 (core academic curriculum), and 1280 (accreditation) are met for any consortium program in which the District participates;

        iii. ensure each student in grades 8-12 is provided with information on college-level equivalent courses;

        iv. determine the length of the school year;

        v. select, approve, and purchase textbooks as defined under Revised School Code Section 1421;

        vi. administer state-required standardized tests;

        vii. adopt a parent/guardian involvement plan; and

        viii. adopt, implement, and annually make available to MDE a copy of a 3 to 5-year school improvement plan and continuing school improvement

process for each school in the District in compliance with Revised School Code Section 1277.

2. The Board will provide for the safety and welfare of students while at school or a school-sponsored activity or event, and while traveling to or from school or a school-sponsored activity or event, as required by law.

3. The Board may acquire, construct, maintain, repair, renovate, dispose of, or convey school property, facilities, equipment, technology, or furnishings as it deems appropriate, within applicable legal parameters.

4. The Board may hire, contract with, schedule, supervise, or terminate employees, independent contractors, and other persons or entities to carry out District powers. The Board may defend and indemnify its employees to the extent authorized by law.

5. The Board may receive, account for, invest, or expend public school money; borrow money and pledge public school funds for repayment; and qualify for state school aid and other public or private money from local, regional, state, or federal sources.

6. The Board delegates to the Superintendent the authority to take action in circumstances not authorized by Board action or Policy when required to effectively maintain the District's day-to-day operations. The Superintendent should (a) promptly inform the Board of the action taken and the need for taking expedited action; and (b) report the action to the Board at the Board's first meeting after the Superintendent takes such action.

B. Limitations on Powers

1. The Board will not use money received from any source to unlawfully aid or maintain any private, denominational, or other nonpublic, pre-elementary, elementary, or secondary school. The Board may provide transportation, auxiliary services, and nonessential elective classes for students attending nonpublic schools to the extent permitted by law.

2. The Board will use public funds, including state school aid allocations, tax revenue, and bond proceeds only for designated purposes.

3. The Board will not permit a fraternity, sorority, or other secret society to operate in the District. See Policy 5511.

4. The Board will not award a high school diploma to a student unless the student meets the requirements of Revised School Code Sections 1278a and 1278b.

C. Authority

1. Consistent with Policy 2101, the general powers reside within the Board as a whole, not individual Board members. The Board speaks only through its minutes and resolutions.

2. Consistent with Policy 2503, Board action is not valid unless approved by a majority vote in a lawfully convened meeting.

Legal Authority: Const 1963, art 8, §2; MCL 380.5(6), 380.11a, 380.1146, 380.1153, 380.1216, 380.1217, 380.1277, 380.1278a, 380.1278b, 380.1280, 380.1280a, 380.1282, 380.1284, 380.1294, 380.1321, 380.1322, 380.1421, 380.1422, 380.1472, 380.1804, 380.1807, 380.1816; MCL 388.1766b; Mich Admin Code R 340.281, 340.282 (transportation services for nonpublic school children), 340.291-.295 (auxiliary services for nonpublic school children); *Tavener v Elk Rapids Rural Agric Sch Dist*, 341 Mich 244 (1954)

Date revised:

2202 Authority to Enter into Contracts

A. The Board may enter into agreements, contracts, or other cooperative arrangements with other entities, public or private, including, but not limited to, another school district or intermediate school district, to the extent permitted by law.

B. The Board also may enter into an agreement with a public school academy to provide services to the public school academy or the academy's students or for the public school academy to provide services to the District or to the District's students.

C. No agreement, contract, or other cooperative arrangement is binding on the District unless approved by the Board or designee and executed by 1 or more persons delegated authority to act as an authorized signatory to an agreement, contract, or other cooperative arrangement on the Board's behalf. Absent the Board's express delegation of authority to another entity or person, only the Board has the authority to contractually bind the District.

D. The Board and its authorized designees are without authority to grant unconditional indemnity to a third party before a liability-triggering event has occurred.

E. Before presenting a contract to the Board for approval, the Superintendent or designee will:

1. verify the Board's contracting authority;

2. review budget parameters and implications and recommend any correspondingly required budget amendments;

3. review relevant existing contractual obligations;

4. consider and report to the Board any actual or perceived conflict of interest; and

5. ensure that the contract complies with all relevant laws and Policies.

F. All independent contractors, employees of independent contractors, and other persons who provide services to the District who are not District employees must comply with all applicable legal requirements and Policies including those related to interactions with students, non-discrimination, ethics and standards, student safety and welfare, student privacy, and District operations.

Legal Authority: MCL 15.321 et seq.; MCL 380.11a(4), 380.1203, 380.1228, 380.1421, 380.1422; *Huntington Leasing Co v Manistee ISD,* unpublished Mich App No. 250942 (2005)

Date revised:

2203 Authority to Establish Curriculum

The phrase "State curriculum content standards," as used in this Policy, means the State Board's recommended model curriculum content standards developed and periodically updated under the Revised School Code.

A. The Superintendent or designee, after consulting with teachers and school administrators and after considering the State curriculum content standards, will recommend for Board approval a core academic curriculum for the District's elementary, middle, and secondary schools.

1. The recommended core academic curriculum will:

a. Define academic objectives to be achieved by all students.

b. Be based on the District's educational mission, long-range student goals, and student performance objectives.

c. Meet or exceed State curriculum content standards.

d. Include credit requirements that meet or exceed the Michigan merit standards for high school students.

e. Incorporate grade-appropriate instruction on career development in each grade level based on MDE's model program of instruction for career development.

f. Incorporate courses of instruction in the U.S. Constitution; the Michigan Constitution; the history and present form of government of the United States; and the State of Michigan and its political subdivisions, stressing the rights and responsibilities of citizens.

g. Incorporate grade-appropriate instruction in the social studies curriculum for grades 8-12 about genocide, including the Holocaust and the Armenian Genocide.

h. Incorporate grade-appropriate instruction (Policy 5420), by appropriately trained teachers, on the principal modes by which dangerous communicable diseases, including human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS) are spread and the best methods for the restriction and prevention of those diseases. The instruction will stress that abstinence from sex is a responsible and effective method for restriction and prevention of those diseases and is a positive lifestyle for unmarried young people.

i. Incorporate instruction in cardiopulmonary resuscitation (CPR) and automated external defibrillators (AEDs) for students enrolled in grades 7-12, and, if the course or class will result in the issuance of a CPR certification card or status, ensure that CPR/AED instruction is provided by an instructor who is authorized by the American Heart Association, American Red Cross, or a similar nationally recognized association.

j. Incorporate a grade- and age-appropriate model program of instruction on prescription opioid drug abuse based on the recommendations developed by the Prescription Drug and Opioid Abuse Commission under Public Health Code Section 7113a.

k. Consider providing college level equivalent courses.

l. Reserved

m. Reserved

2. The recommended core academic curriculum will comply with subsection D of this Policy.

3. Reserved

B. The Board will:

1. Consider the Superintendent's or designee's curricular recommendations, including any recommendations to exceed the State curriculum content standards;

2. Establish a core academic curriculum that meets or exceeds State curriculum content standards;

3. Reserved

4. Reserved

5. Determine the aligned instruction program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught.

C. The Superintendent or designee will ensure that the core academic curriculum is reviewed periodically and as required by Policy 5420.

D. The following will apply to the District's curriculum and the courses and programs in which the District's curriculum is taught:

1. American Sign Language

   The District will grant high school credit in a foreign language to a student enrolled in high school who has satisfactorily completed a high school course offered in American Sign Language or who has attained proficiency in American Sign Language outside of a public or private high school curriculum.

2. Foreign Language

   The District will grant high school credit in a foreign language to a student enrolled in high school who has demonstrated proficiency in a foreign language outside of a public or private high school curriculum. Proficiency may be demonstrated by a competency test or other criteria established by the Board.

3. Reserved

4. Online Learning

   The curriculum will provide the basic level of technology and internet access required by the State Board to complete the online course or learning experience.

Legal Authority: MCL 333.7113a; MCL 380.1157b, 380.1165, 380.1166, 380.1166a(2), 380.1168, 380.1169, 380.1170a(4), 380.1170b, 380.1171, 380.1278, 380.1278a(1)(b), 380.1278a(2), 380.1278b, 380.1278c, 380.1279e, 380.1280a, 380.1473, 380.1502, 380.1507, 380.1507a, 380.1507b

Date revised:

2300 Board Member Conduct

2301 Conflict of Interest

Board members take an oath of public office requiring that they faithfully discharge their duties to the best of their abilities. Board members must act in the District's best interests and avoid any actual or perceived conflict of interest in the performance of their public duties. Board members will not misuse their public office to solicit, accept, obtain, or produce a substantial direct or indirect benefit for themselves or a family member.

A. “Family member” as used in this Policy means that term as defined in Revised School Code Section 1203.

B. Statutory Conflict of Interest

1. When a Board member believes or has reason to believe that the Board member has a conflict of interest, as described in Revised School Code Section 1203, as to a contract or other financial transaction that requires Board approval, the Board member will: (a) abstain from voting on the contract or other financial transaction, and (b) disclose the specific conflict of interest. If a majority of Board members are required to abstain from voting under this section, the special quorum and voting rules prescribed in Revised School Code Section 1203 will apply.

2. A Board member is presumed to have a conflict of interest if the Board member or the Board member’s family member has a financial interest or a competing financial interest in the contract or other financial transaction or is a District employee.

C. Contracts of Public Servants with Public Entities

1. Affected Contracts Defined

For purposes of this Policy, an affected contract means a contract between the District and any of the following:

a. a Board member;

b. any firm, meaning a co-partnership or other unincorporated association, of which a Board member is a partner, member, or employee;

c. any private corporation in which a Board member is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of $25,000 if the stock is listed on a stock exchange, or of which a Board member is a director, officer, or employee; or

d. any trust of which a Board member is a beneficiary or trustee.

2. Board members will comply with the disclosure and voting requirements of the Contracts of Public Servants with Public Entities Act for affected contracts.

3. A Board member will not do either of the following concerning an affected contract in which that Board member has a direct or indirect financial interest:

a. take any part in the negotiation, renegotiation, amendment, or approval of the affected contract; or

b. represent either party in the transaction.

4. Disclosure Requirements

Board members will comply with the following disclosure requirements concerning an affected contract. Disclosures will be recorded in the Board's minutes.

a. Nominal Benefit or Emergency

If the Board member files a sworn affidavit with the Board attesting that the Board member will directly benefit from the affected contract in an amount less than $250 and less than 5% of the public cost of the affected contract, or if the affected contract is for emergency repairs or services, the disclosure will be made as follows:

i. the disclosure may be made less than 7 calendar days before the meeting at which a vote will be taken on the affected contract; and

ii. the sworn affidavit or grounds to determine the need for an emergency repair or service will be recorded in the Board minutes.

b. Benefit Equals or Exceeds $250 But Does Not Exceed $5,000

If a Board member will directly benefit from the affected contract in an amount equal to or exceeding $250 (but not more than $5,000) or equal to or more than 5% of the public cost of the affected contract, and if the affected contract is not for emergency repairs or services, the disclosure will be made in either of the following ways:

i. at least 7 calendar days before the meeting at which a vote will be taken on the affected contract, the Board member will promptly disclose in writing the financial interest in the affected contract to the President (or other presiding officer), or to the Secretary if the President is the Board member that will directly benefit from the affected contract. The disclosure will be made public in the same manner as a public meeting notice; or

ii. the Board member will disclose the financial interest at a public meeting of the Board; provided that the vote on the affected contract will be taken at a subsequent Board meeting held at least 7 calendar days after the meeting at which the disclosure is made.

c. Benefit Exceeds $5,000

If the amount of the direct benefit to the Board member is more than $5,000, disclosure must be made at a public meeting of the Board and the vote on the affected contract will be taken at a subsequent public Board meeting held at least 7 calendar days after the meeting at which the disclosure is first made.

5. Abstention Requirements

A Board member must abstain from voting on an affected contract in which the Board member has a financial interest.

D. Incompatible Public Office

A Board member will not hold 2 or more incompatible public offices, as defined by Michigan law.

Legal Authority: Const 1963, art 4, §10; MCL 15.181 et seq., 15.321 et seq.; MCL 380.1203; MCL 388.1769b; OAG, No 4555 (April 12, 1967)

Date revised:

2302 Board Code of Ethics

Each Board member has a fiduciary duty to act in the District's best interests and to faithfully discharge the office of a Board member in compliance with applicable law and Policy to the best of that person's ability.

A. Each Board member will:

1. remember that a Board member's primary concern must be the educational welfare of students attending the District's schools;

2. regularly attend Board meetings and be informed about issues to be considered at those meetings;

3. make decisions only after consideration at legally held Board meetings;

4. focus on governance, not management, taking care to distinguish the Board's responsibility to focus on the District's mission, values, vision, policy development, strategic planning, and budgeting from the administration's responsibility for implementation of Policies and goals, routine operational decisions, and administration of daily operations;

5. employ or contract with and retain those persons best qualified to serve as District employees and insist on a regular and impartial evaluation of all employees in compliance with applicable law;

6. render all decisions based on an objective evaluation of available information, exercising independent judgment;

7. encourage constructive dialogue among Board members and among the Board and students, staff, parents/guardians, and the school community;

8. learn about current educational issues by individual study and through participation in seminars and programs, such as those sponsored by the Michigan Association of School Boards and the National School Boards Association;

9. work constructively and collaboratively with other Board members to establish effective Policies and procedures;

10. work constructively and collaboratively with the Superintendent, staff members, students, parents, and community stakeholders;

11. recognize the Superintendent as the District's chief executive officer;

12. refer complaints to the Superintendent (other than those involving the Superintendent), designee, or designated administrator(s), as appropriate (see Policies 4101, 4102, 4013, and 4104);

13. safeguard confidential information, including social security numbers, criminal history record information, information pertaining to unprofessional conduct checks, and personally identifiable student information under the Family Educational Rights and Privacy Act (FERPA) and Revised School Code Section 1136;

14. avoid an actual or perceived conflict of interest;

15. comply with the Open Meetings Act;

16. be mindful of a Board member's fiduciary obligations to the District, including duties of loyalty and care, placing the District's interests above a Board member's personal interests; and

17. use District employee resources, property, and funds judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.

B. A Board member will *not*:

1. represent the Board member's personal opinions as those of the Board;

2. act in isolation, operating as if a "Board-of-one";

3. disrupt or impede the established District administrative structure;

4. use the Board position for actual or perceived personal or political gain;

5. discuss confidential Board business except as authorized by law;

6. disclose closed session deliberations or proceedings other than as permitted by law; or

7. refer a student for an abortion or assist a student in obtaining an abortion. This prohibition does not apply to a Board member who is the parent or legal guardian of that student.

C. Violations of the Board Code of Ethics will be handled in compliance with Policy 2303.

Legal Authority: 20 USC 1232g; 34 CFR Part 99; Const 1963, art 11, §1; MCL 15.261 et seq., 15.341 et seq.; MCL 168.310(1); MCL 380.11a, 380.601a, 380.1136; MCL 388.1766

Date revised:

2303 Violation of Board Code of Ethics

The Board is responsible for enforcing the Code of Ethics (Policy 2302) for its members.

A. If it is suspected or alleged that a Board member has violated the Code of Ethics, the following may occur:

   1. The President (or Vice President, if the President is the focus of the inquiry) may confer with that Board member to determine whether the suspected or alleged violation is disputed.

      a. If the suspected or alleged violation is not disputed, the President/Board may propose how the member may remedy the violation; or

      b. If the suspected or alleged violation is disputed, the Board may initiate an investigation by an affirmative vote of a majority of the members elected or appointed to and serving on the Board.

   2. The Board may discuss the alleged violation as an agenda item at a Board meeting. At the affected Board member's request, the Board may convene in a closed session under the Open Meetings Act to consider complaint(s) or charge(s) brought against the Board member.

B. If the violation is admitted or the Board determines that a disputed violation has been established by at least a preponderance of the evidence, the Board may consider:

   1. whether to publicly censure the Board member through a formal Board resolution reprimanding the Board member;

   2. whether to remove the Board member from committee assignments;

   3. whether to remove the Board member from any Board office or position (e.g., Vice President, Secretary);

   4. whether the violation rises to the level of gross neglect of duty or corrupt conduct in office, or other misfeasance or malfeasance, warranting referral to the Governor pursuant to Michigan Constitution, Article V, §10 for possible suspension or removal from public office;

   5. whether the violation may constitute a criminal violation of the Revised School Code, the Michigan Penal Code, or other applicable Michigan law, warranting referral to local law enforcement; and

6. any other act authorized by law.

Legal Authority: Const 1963, art 5, §10, Const 1963, art 11, §1; MCL 380.619, 380.1107, 380.1804, 380.1815, 380.1816, 380.1230, 380.1230a, 380.1230b

Date revised:

2304 Gifting

A. Gifts to Individual Board Members

A Board member will not solicit or accept anything of value that may influence or reasonably be perceived to influence the manner in which a Board member performs official duties.

B. Board Acceptance of Gifts

1. The Board shall not accept a gift, donation, or contribution on the District's behalf in a manner or for a purpose that does not comply with Policy 3303.

2. The Board must publicly disclose a gift, donation, or contribution from any vendor or contractor that has submitted a bid in response to a request for proposals the District currently has under consideration.

Legal Authority: 25 USC 2701 et seq.; MCL 380.11a(14), 380.601a, 380.634(2), 380.1814

Date revised:

2305 Board Member Reimbursement and Travel Expenses

A. Reimbursement

Board members may be reimbursed for their actual and necessary expenses incurred in the discharge of their official duties or in the performance of functions authorized by the Board (Expense(s)), if 1 or both of the following apply:

1. the Board, by a majority vote of its members at an open meeting, approved reimbursement of the specific Expense before the Expense was incurred; or

2. the Expense is consistent with this Policy, establishing specific categories of reimbursable Expenses, and the Board, by a majority vote of its members at an open meeting, approves the reimbursement before it is actually paid.

B. Established Categories of Reimbursable Expenses

1. Conferences, Membership Fees, and Training Programs

Registration fees, conference fees, and training fees for Board member attendance at education workshops, conferences, training programs, and meetings sponsored by the District or state and national educational organizations which are relevant to Board members in performing their duties or which are in the District's best interests, may be reimbursed within Board-approved budget parameters if approved by a majority vote of the Board. Board members are encouraged to enhance their effectiveness through participation in such programs.

2. Travel Expenses

   a. Travel by privately owned vehicle may be reimbursed, within Board-approved budget parameters, at the standard mileage rate set by the Internal Revenue Service, if approved by a majority vote of the Board.

   b. For travel within District boundaries, the Board will not expend District funds for the purchase, rental, or lease of cars for Board members or for chauffeurs for Board members.

3. Meals

   a. The Board may reimburse a Board member only for Expenses actually and reasonably incurred for the Board member's meals and will not exceed district guidelines. The Board will not reimburse a Board member for meals for a non-Board member.

   b. The Board will not expend District funds for the purchase of alcoholic beverages. See Policy 3303.

4. Lodging

   a. The Board may reimburse a Board member for Expenses actually and necessarily incurred for the Board member's lodging in the discharge of official duties or in the performance of functions authorized by the Board, as aligned with board priorities and district guidelines.

C. Use of District Credit/Debit Cards

The Board will not provide, allow, or obtain credit cards for, issue credit cards to, or provide a Board member a debit card or similar instrument that pledges payment of funds from the District, except as permitted by law and Policy 3209.

D. Public Records

Records of payments made under this Policy are considered public records.

Legal Authority: MCL 129.241-.247; MCL 380.11a, 380.601a, 380.621, 380.1217a, 380.1254; MCL 388.1764b

Date revised:

2306 Board Member Compensation

Each Board of Education member will be paid $25.00 per meeting for each meeting of the full Board and each Board committee meeting as compensation for his/her services, provided the Board member participates in that meeting in his/her Board member capacity. Each Board member may choose to donate the $25.00 back to any school group or school organization. Expenses of a Board member will be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered (see Policy 2305)

Legal Authority: MCL 380.11a

Date revised:

2400 Board Membership and Duties

2401 Board Member Elections

Board members are elected by the District's electors at the District's regular election, which is held on the first Tuesday after the first Monday in November of even-numbered years.

At least 1 Board member must be elected at each regular election.

The Michigan Election Law governs the District's election procedures.

The District's elections are conducted by the District's election coordinator, as that term is defined by the Michigan Election Law.

Legal authority: MCL 168.301, 168.641, 168.642c; MCL 380.1206

Date revised:

2402 Acceptance of Office and Oath of Office

A. Elected Board Members

   1. Before entering the office of Board member, a Board member-elect must:

      a. take the oath of office as provided by the Michigan Constitution; and

      b. file an acceptance of office with the Secretary within 10 business days after receiving the Certificate of Election from the District's election coordinator.

   2. If a Board member-elect neglects or fails to file an acceptance of office with the Secretary within 10 business days after receiving the Certificate of Election

from the District's election coordinator, then the Board office will immediately become vacant.

B. Appointed Board Members

1. Before entering the office of Board member, an appointee must:

   a. take the oath of office as provided by the Michigan Constitution; and

   b. file an acceptance of office with the Secretary within 10 business days after the date of appointment.

2. If an appointee neglects or fails to file an acceptance of office with the Secretary within 10 business days after the date of appointment, then the Board office will immediately become vacant.

C. The oath of office must be administered by a judge, justice, court clerk, or notary public. A Board member or a public official may administer a ceremonial oath of office.

Legal authority: MCL 168.309, 168.310

Date revised:

2403 Board Member Terms of Office

The Board of Education consists of seven (7) elected or appointed offices.

Board members are elected for terms of six (6) years.

A Board member elected to a full-term office has a term of office that begins on January 1 immediately after the regular election.

A Board member elected to a partial term office resulting from a vacancy has a term of office that begins immediately after the election has been certified, and the Board member-elect has qualified for office by filing an acceptance of office with the Secretary and has taken the oath of office.

An appointed Board member's term of office is addressed in Policy 2404.

Legal authority: MCL 168.302, 168.311; MCL 380.11a

Date revised:

2404 Board Member Vacancies and Appointments

A. A Board office becomes vacant immediately upon any of the following events:

1. a Board member's death;
2. a Board member being adjudicated insane or being found to be a legally incapacitated individual by a court of competent jurisdiction;
3. a Board member's resignation;
4. a Board member's removal from office;
5. a Board member's conviction for a felony;
6. a Board member's election or appointment being declared void by a competent tribunal;
7. a Board member's neglect or failure to timely file the acceptance of office, to take the oath of office, or to give or renew an official bond as required by law;
8. a Board member ceasing to possess the legal qualifications for holding office;
9. a Board member moving residence from the District; or
10. a Board member being recalled.

B. Appointments

1. In the event of a vacancy (except a vacancy resulting from a Board member recall), the remaining Board members must fill the vacant Board office by appointment within 30 calendar days after the vacancy occurs, unless a majority of the Board offices are then vacant. If a majority of the Board offices are vacant at the time of a vacancy, or if the remaining Board members fail to fill a vacant Board office by appointment within 30 calendar days after the vacancy occurs, then the ISD board will be authorized to fill the vacant Board office by appointment.
2. The Board may, in its discretion, undertake 1 or more of the following procedures when seeking to fill a vacant Board office:
    a. publicize the vacancy, and the Board's intention to appoint a person to fill the vacant Board office through word-of-mouth, news media, notices posted at school buildings and other locations, postings on the District's website and social media, and other means of communicating with the public;
    b. accept résumés, applications, letters of interest, or other submissions from persons seeking to be appointed to fill the vacant Board office; and
    c. interview applicants for the vacant Board office.
        i. All interviews must be conducted during open session of a public Board meeting.

ii. The Board may meet in closed session for the limited purpose of reviewing and considering an application for appointment, if any, if the applicant requests that the application remain confidential.

3. Within 3 calendar days after the Board makes an appointment to fill a vacant Board office, the Secretary must provide written notice to the District's election coordinator of the name, address, and Board office of both the Board member who vacated office and the person appointed to fill the vacant Board office.

4. Appointed Board Member's Term of Office

   a. An appointed Board member's term of office begins immediately after appointment, once the appointee has filed an acceptance of office with the Secretary and taken the oath of office.

   b. An appointed Board member's term of office expires:

      i. immediately after the District's regular election at which a successor in office is elected and the successor has qualified for office, if the appointed Board member was appointed to a Board office that was vacated more than 7 calendar days before the nominating petition filing deadline for a District regular election that was not the District's regular election at which a successor in office would have been elected had the Board office not been vacated; or

      ii. in all other cases, December 31 immediately after the District's next regular election.

Legal authority: MCL 15.268; MCL 168.310, 168.311

Date revised:

2405 Board Officers

Board officers will consist of a President, Vice President, Treasurer, and Secretary. Board officers must be Board members.

A. Election of Board Officers

1. The Board must elect a President and Vice President. The Board may also elect a Treasurer and Secretary.

2. Board officer elections will take place at an organizational meeting of the Board.

3. A candidate for a Board officer position must receive a majority vote of the Board members then serving on the Board.

   a. If no person receives a majority vote in an initial vote, the candidates for a second vote will consist of:

i. the 2 persons who received the most votes; or

ii. if more than 2 persons are tied for the most votes received, all persons tied for most votes received; or

iii. if 1 person received the most votes and there is a tie for second place, the person who received the most votes and the persons tied for the second place.

b. The process for narrowing candidates will be repeated in subsequent voting rounds.

4. Elected Board officers will serve in that capacity until the following year's organizational meeting at which board officers are elected, unless a Board member resigns from the officer position or a Board majority votes to remove that Board member from the officer position.

B. If the Board does not elect a Secretary, the President must appoint a Board member to the vacant office. If the Board does not elect a Treasurer, the President must appoint a Board member to the vacant office.

C. Removal of Board Officers

The Board, by a majority vote of the members then serving, may remove a Board officer from the officer position, with or without cause.

D. Board Officer Vacancies

1. If the office of President becomes vacant, the Vice President will succeed to the office of President for the balance of that office's term.

2. If the office of Vice President, Secretary, or Treasurer becomes vacant, the Board must promptly elect a Board member to fill that vacancy.

3. If the office of Secretary or Treasurer becomes vacant, the Board may elect a Board member to fill that vacancy or the President may appoint a Board member to fill that vacancy. The person elected or appointed to a vacant Board office will serve in that office for the balance of that office's term.

E. Assistants to the Secretary and Treasurer

1. The Board may appoint an assistant to the Secretary and an assistant to the Treasurer who are not required to be Board members.

2. The Board may remove an assistant to the Secretary or an assistant to the Treasurer by majority vote. After a removal, the Board may appoint a person to fill the vacant position.

Legal authority: MCL 380.11a

Date revised:

2406 Board Officers' Duties

To ensure proper District oversight, a Board officer must fulfill the requirements of the respective office. The following Board officer duties may be modified or removed, in whole or in part, by Board action.

A. President

1. Preside over all Board meetings and act as a decision-maker on procedural issues.

2. Coordinate with the Superintendent or designee to prepare Board meeting agendas.

3. Serve as the Board's spokesperson unless another person is designated by the Board.

4. Sign contracts, correspondence, and other documents on behalf of the District as authorized by the Board or required by law.

5. If both the President and Vice President are absent from a Board meeting, the Board may appoint a Board member to serve as acting President.

6. Accept complaints and coordinate investigations into allegations of misconduct against other Board members or the Superintendent, including placing the Superintendent on non-disciplinary, paid administrative leave during the pendency of an investigation.

7. Contact legal counsel on the Board's behalf or authorize individual Board members to contact legal counsel.

8. Perform other duties as prescribed by law, Policy, or Board action.

B. Vice President

1. In the President's absence or where the President is precluded from performing the President's duties, preside over Board meetings and perform the President's other duties.

2. Perform other duties as prescribed by law, Policy, or Board action.

C. Secretary

1. Ensure that an accurate record of Board meetings is maintained and published in compliance with law.

2. Sign Board meeting minutes, orders, resolutions, and records memorializing Board proceedings.

3. Draw and sign orders upon the Treasurer for money to be disbursed by the Board.

4. Perform other duties as prescribed by law, Policy, or Board action.

In the Secretary's absence, the Vice President will serve as acting Secretary or, in the alternative, the Board may appoint a Board member to serve as acting Secretary.

The Secretary may delegate duties to an assistant to the Secretary to the extent allowed by law.

D. Treasurer

1. Serve as the custodian and maintain accounting for District monies, credits, and property.

2. Sign checks and other Board-authorized documents.

3. Perform other duties as prescribed by law, Policy, or Board action.

In the Treasurer's absence, the Vice President will serve as acting Treasurer or, in the alternative, the Board may appoint a Board member to serve as acting Treasurer.

The Treasurer may delegate duties to the person acting as the District's business official or to an assistant to Treasurer, to the extent allowed by law.

E. Succession

1. Board office holders will promptly transfer authority to their respective successor in office, including access to District accounts, investments, files, and public records.

2. Board office holders will promptly deliver District property, including logs, ledgers, money, reports, files, books, equipment, and public records, to the Board officer's respective successor in office.

3. The transfer of District property will promptly occur at a location and time agreed upon by the Board officer and the Board officer's successor in office or at a location and time otherwise determined by the Board.

Legal authority: MCL 380.901, 380.947, 380.1213, 380.1221, 380.1223, 380.1231, 380.1362, 380.1371, 380.1372, 380.1535a, 380.1539b, 380.1577, 380.1613; MCL 600.6094

Date revised:

2500 Board Meetings and Open Meetings Act Compliance

2501 Meetings

Board meetings must be conducted in accordance with the Open Meetings Act.

A. Notice

1. The Board must publicly post its regular meeting schedule within 10 calendar days after the Board's first meeting in each calendar or fiscal year. The notice must include the dates, times, and places of the regular meetings. If the regular meeting schedule is changed, the Board must publicly post the revised regular meeting schedule within 3 calendar days after the Board meeting at which the change was made.

2. Special meeting and rescheduled regular meeting notices must be posted at least 18 hours in advance of a special or rescheduled regular meeting.

3. Regular, rescheduled regular, and special meeting notices must be posted at the Board's principal offices. The notice, or a prominent and conspicuous link to the notice, also must be posted on the District website's homepage as required by the Open Meetings Act, if the District's website is updated at least monthly with meeting agendas or minutes.

4. Meeting notices must contain:

   a. the name, address, and telephone number of the Board;

   b. the time, date, and place of the meeting;

   c. a statement where official minutes are stored and available for inspection; and

   d. a disability accessibility notice.

5. Emergency meetings may be held without complying with the above-described notice requirements if there is a severe and imminent threat to the health, safety, or welfare of the public exists, and two-thirds of the Board members elected or appointed to and serving on the Board determine that delay would be detrimental to efforts to lessen or respond to the threat. The Board will provide notice of an emergency meeting in compliance with the Open Meetings Act.

6. Public hearing notices must contain a description of the purpose(s) for which the public hearing will be conducted to the extent required by law.

7. The notice for an electronic Board meeting must comply with Policy 2501A.

B. Quorum

1. A quorum of the Board means a majority of the Board members elected or appointed to and serving on the Board, unless different quorum and voting rules are otherwise provided by law.

2. All deliberations of a quorum of the Board must take place at a meeting that is open to the public, unless closed session deliberations are permitted by law.

3. All decisions made by the Board constituting a quorum of its members must take place at a meeting that is open to the public, except as otherwise provided by the Open Meetings Act.

C. Meeting Types

1. The Board will hold its regular meetings at the dates, times, and locations specified in the District's annual notice published pursuant to the Open Meetings Act. If the notice is amended, then meetings will be held according to the amended notice.

2. Special, rescheduled regular, or emergency meetings may be called by the President, the Superintendent, or two Board members. Notice of such meetings will be provided in accordance with the Open Meetings Act.

3. The Board may, in compliance with the Open Meetings Act, hold work sessions and retreats to provide Board members and administrators with the opportunity to plan, research, and engage in discussion.

4. The Board may meet as a committee of the whole. See Policy 2505(C).

D. Closed Session

1. The Board may meet and deliberate in closed session only for 1 or more purposes authorized by the Open Meetings Act.

2. Depending on the closed session purpose(s), the Open Meetings Act may require a two-thirds roll call vote for the Board to meet in closed session. A vote to enter closed session must be made in open session.

3. Closed session meeting minutes must be kept confidential. Board members must keep matters discussed and documents received confidential unless otherwise authorized by the Board or law. See Section G, below.

4. All discussions in closed session are limited to the purpose(s) identified in the motion calling the closed session.

5. The Board will determine the non-member attendees for a closed session unless attendance is required by Policy or law.

6. No decisions will be made during a closed session.

E. Meeting Cancellation

The Board is legally required to hold at least 1 public meeting each month. The President or designee may cancel a Board meeting if the President or designee determines that a quorum of the Board will not be present for the meeting, there is no business for the Board to conduct at the meeting, or it would be unreasonable or dangerous for Board members or the public to attend the meeting (e.g., inclement weather). The President or designee will ensure that a District staff member posts notice of the cancellation on the District's website on the same day as the cancellation. If necessary, a cancelled meeting will be rescheduled.

F. Electronic Board Meetings and Remote Participation

Electronic Board meetings may be held, and a Board member may participate in a Board meeting remotely, as authorized by Policy 2501A.

G. Minutes

The Board will keep minutes of each Board meeting in accordance with the following:

1. The Secretary will record and maintain meeting minutes.
2. The Secretary, or an acting Secretary in the absence of the Secretary, will sign meeting minutes.
3. Meeting minutes will comply with the Open Meetings Act.
    a. Open session meeting minutes.
        i. Minutes for a meeting open to the public will include at least the following information:
            A) the meeting date, time, and location;
            B) the Board members present for or otherwise participating in the meeting;
            C) the Board members absent from the meeting;
            D) board decisions;
            E) the purpose(s) for which any closed session meeting was held and the specific provision(s) of the Open Meetings Act that permitted the closed session;
            F) any roll call votes conducted by the Board; and
            G) corrections, if any.

ii. The Board must make proposed open session meeting minutes available for public inspection within 8 business days after the applicable Board meeting.

iii. The Board must make approved open session meeting minutes available for public inspection within 5 business days after the meeting at which the Board approved the minutes.

b. Closed session meeting minutes.

i. Closed session meeting minutes must be prepared and maintained separately from open session meeting minutes.

ii. Closed session meeting minutes will not be made available to, or be disclosed to, the public, except as required by court order.

iii. Closed session meeting minutes may be destroyed by the District 1 year and 1 calendar day after the approval of the minutes of the regular meeting at which the closed session minutes were approved, or any time thereafter.

iv. Closed session meeting minutes must include at least the following information:

A) the meeting date, time, and, location;

B) the Board members present for or otherwise participating in the meeting;

C) the Board members absent from the meeting; and

D) the purpose(s) for which the closed session meeting was held and the specific Open Meetings Act provision(s) that permitted the closed session.

c. Open session Board meeting minutes may be published on the District's website.

H. Accommodating Board Members and Other Individuals with Disabilities

Any Board member or other individual with a disability who requires reasonable accommodations to participate in, or attend, a Board meeting must contact the Superintendent's office in advance of the meeting to request an accommodation.

Legal authority: MCL 15.263, 15.263a, 15.265, 15.267, 15.269; MCL 380.1201

Date revised:

2501A Electronic Board of Education Meetings

The Board may hold electronic meetings, and Board members and the public may participate remotely, only as permitted by this Policy, the Open Meetings Act, and other applicable law.

A. Definition

The definition in this section applies only to this Policy. All other words found in this Policy, unless specifically defined, are given their plain meaning.

"Two-Way Communication" means telephone, video, or other means of conferencing that allows Board members to hear and be heard by both the public and other Board members, and allows the public to hear and be heard by other members of the public and the Board members during public comment. Real-time typed public comments that may be read to or shared with Board members and the public is a sufficient form of two-way communication for purposes of public participation during an electronic Board meeting.

B. Permissible Reasons for Wholly Electronic Board Meetings

The Board may hold a meeting wholly electronically, with every Board member and the public participating remotely, if every Board member simultaneously satisfies one or more of the conditions identified in Section C of this Policy.

C. Permissible Reasons for Individual Board Member Remote Participation

A Board member who is not physically present at an in-person Board meeting due to military duty, a "disability" within the meaning of the ADA, or other reason permitted by Michigan law may be counted toward a quorum, deliberate, and vote. To qualify, members absent due to military duty must follow the procedures listed in Section D, below. Unless otherwise provided, any Board member who is not absent due to a qualifying exception must be physically present at the meeting to participate.

D. Procedures to Accommodate Board Member Remote Participation

The Board institutes the following procedures to ensure that a Board member who is not physically present at an in-person Board meeting may be counted toward a quorum, deliberate, and vote at a Board meeting.

1. The Board and the remote Board member will ensure there is Two-Way Communication during the meeting;

2. The remote Board member must provide notice to Board President or Vice President at least 24 hours before the meeting; and

3. The Superintendent or designee will ensure that public notice of the remote Board member's physical absence and information on how to contact the remote Board member is provided sufficiently in advance of the Board meeting so that a member of the public may provide input on or ask questions about any business that will come before the Board at the meeting.

E. Procedures to Ensure Public Participation at Electronic Meetings

If the Board convenes a wholly electronic meeting or any Board member participates remotely, the public will also be provided the opportunity to attend the public meeting remotely.

The Board will not require the public to register or otherwise provide their names or other information as a condition of attending a Board meeting, whether in-person or remotely. The Board may require the public to submit information, consistent with public participation rules, to participate in the public comment portion of a meeting.

F. Electronic Board Meeting Notice Requirements

The Superintendent or designee will post notice of an electronic Board meeting at least 18 hours before the meeting. If the Board will be convening in a physical location with one or more Board members attending remotely pursuant to Section C, the notice must include both the physical and virtual locations of the meeting.

If the District has an internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the notice must be included on a portion of the District's website that is fully accessible to the public, either on the District's homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic meetings that is accessible through a prominent and conspicuous link on the District website's homepage. The link must clearly describe its purpose for public notice of non-regularly scheduled or electronic meetings.

The notice must clearly explain:

1. Why the Board is holding an electronic meeting;

2. How the public may participate remotely. If a telephone number, internet address, virtual meeting address, or other information is needed to participate, that information must be specifically provided;

3. How the public may contact Board members to provide input on or ask questions about business that will come before the Board at the meeting;

4. Which Board members will be participating remotely and information about how the public may contact those Board members in advance of the meeting to provide input on or ask questions about any business that will come before the Board at the meeting; and

5. How persons with disabilities may participate in the meeting.

G. Electronic Board Meeting Agenda Requirements

The Superintendent or designee must post the electronic meeting's agenda to the District's website, if an agenda exists. The agenda must be posted at least two

hours before the electronic meeting begins. The Board may amend the agenda at the meeting.

Legal authority: MCL 15.263, 15.263a.

Date revised:

2501A-F-1 Electronic Board Meeting Checklist

Deciding whether to hold an electronic Board meeting:

☐ For a ***wholly electronic*** Board meeting, every Board member is absent due to military duty, an ADA "disability", or other reason permitted by Michigan law.

☐ For a ***hybrid physical/electronic*** Board meeting, a Board member is participating remotely because

- ☐ The Board member is absent due to military duty.
- ☐ The Board member must participate remotely as a reasonable accommodation for an ADA "disability".
- ☐ The Board member is subject to another reason permitted by Michigan law.

Preparing for an electronic Board meeting:

☐ Ensure the Board, each Board member participating remotely, and the public have access to Two-Way Communication.

☐ Ensure that persons with disabilities will be able to participate in the meeting and notice is given about how to request an accommodation.

☐ At least 18 hours before the electronic Board meeting, post the electronic Board meeting notice. The notice must include:

- ☐ Why the Board is holding an electronic meeting;
- ☐ How the public may participate remotely;
- ☐ How the public may contact Board members to provide input or ask questions about business that will come before the Board; and
- ☐ How persons with disabilities may participate in the meeting.

If the District has an internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the notice must be included on a portion of that website that is fully accessible to the public, either on the District's homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or

electronic public meetings that is accessible through a prominent and conspicuous link on the District website's homepage. The link must clearly describe its purpose for public notice of non-regularly scheduled or electronic public meetings.

☐ At least 2 hours before the electronic meeting, post the meeting agenda to the District's website, if an agenda exists.

☐ The Superintendent or designee must provide notice to the public of which Board members will be participating remotely and information about how members of the public may contact those Board members in advance of the meeting to provide input or ask questions on any business that will come before the Board.

☐ Although not required by the Open Meetings Act, consider completing an Affidavit of Website Posting of the Public Notice of Electronic Meeting.

During the electronic Board meeting:

☐ Confirm the Board, each Board member participating remotely, and the public have access to Two-Way Communication.

2501A-F-2 Advance Notice of Remote Participation

Advance Notice of Remote Participation

Directions: *A Board member must provide notice of his or her absence and necessary contact information to the Superintendent or Superintendent's designee sufficiently in advance of the Board meeting, and consistent with the procedures in Policy 2501A, so that the District can provide public notice of the Board member's remote participation and information on how a member of the public may provide input to that Board member on any business that will come before the Board.*

2501A-F-3 Electronic Board Meeting Notice

Directions: *At least 18 hours before an electronic Board meeting, the Superintendent or designee must prominently post this notice. If the District has an internet presence that includes at least monthly updates of public meeting agendas or minutes, this notice must be included on a portion of its website that is fully accessible to the public, either on the District's homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings, that is accessible through a prominent and conspicuous link on the District's website homepage. The link must clearly describe its purpose for public notice of non-regularly scheduled or electronic public meetings. If the electronic meeting is a special or rescheduled regular meeting, the special meeting posting requirements contained in MCL 15.265 must also be satisfied. For Board meetings at which significant Board action is anticipated (e.g., related to the sale of property, approval of contracts, or adoption of bond or finance documents), consider completing an Affidavit of Website Posting.*

Choose Option A (Wholly Electronic) or Option B (Hybrid) and delete option not chosen:

Option A – Wholly Electronic Meeting

The Fennville Public Schools Board of Education will hold a *[regular/rescheduled regular/special] Board meeting on [Day of the Week], [Month] [Calendar Day], [Year].*

The meeting will be held wholly electronically. The public may attend and participate virtually using this link: [insert telephone number, internet address, virtual meeting address, or other information needed to participate].

The Board of Education is holding a *wholly electronic* Board meeting because all Board members will be physically absent due to military duty, ADA accommodation, or other reason permitted by Michigan law

Members of the public may contact any Board member in advance of the meeting to provide input or ask questions about business that will come before the Board by *[insert individual Board member contact information (e.g. email addresses)].*

The following Board members will be participating remotely: *[insert names].* Information is included above on how to contact these board members in advance of the meeting to provide input or ask questions about any business coming before the Board.

Any person with a disability requiring special accommodations to participate in this meeting should contact the Superintendent's office at *[insert contact information]* in advance of the meeting.

Option B – Hybrid Meeting

The Fennville Public Schools Board of Education will hold a *[regular/rescheduled regular/special] Board meeting on [Day of the Week], [Month] [Calendar Day], [Year].*

The meeting will be held both electronically and in person. One or more Board members will be participating in the Board meeting remotely due to:

- ☐ Military duty.
- ☐ Reasonable accommodation under the ADA.
- ☐ Other reason permitted by Michigan law.

The public may attend and participate using this portal: *[insert telephone number, internet address, virtual meeting address, or other information needed to participate].* The public may also attend and participate in person, subject to health and safety requirements, if applicable.

Members of the public may contact any Board member in advance of the meeting to provide input or ask questions about business that will come before the Board by *[insert individual Board member contact information (e.g. email addresses)].*

The following Board members will be participating remotely: *[insert names].* Information is included above on how to contact these Board members in advance of the meeting to provide input or ask questions about any business coming before the Board.

Any person with a disability requiring special accommodations to participate in this meeting should contact the Superintendent's office at *[insert contact information]* in advance of the meeting.

2501A-F-4 Affidavit of Website Posting of Public Notice of Electronic Board Meeting

Directions: *If your District has an internet presence, an electronic Board meeting notice must be prominently posted at least 18 hours before the scheduled meeting. For Board meetings at which significant board action is taken (e.g., related to the sale of property, approval of contracts, adoption of bond or finance resolutions) this affidavit may provide evidence in any later challenge that proper notice of the meeting was given pursuant to the OMA. Use of this affidavit, however, is optional.*

State of Michigan

County of Allegan

The undersigned, being first duly sworn, deposes and says that he/she did verify that a public notice of a meeting and the related agenda, if one existed, of the Board of Education of Fennville Public Schools, Allegan County, Michigan, to be held electronically on:

Date of Meeting: _____, 20___

Hour of Meeting _____ o'clock, __.m.

was posted on the District's website homepage or on a separate webpage accessible through a prominent and conspicuous link on the District's website homepage prior to the meeting. A true copy of that website notice and the related agenda, if one existed, is attached.

_____
Signature

Subscribed and sworn before me in _____ County,

Michigan, on the _____ day of _____, 20____

_____ (signature)

_____ (printed)

Notary public, State of Michigan, County of _____

My Commission expires on _____

Acting in the County of _____

2502 Board Meeting Agenda

Meeting agendas will be prepared by the Superintendent or designee in coordination with the President or designee.

The agenda sets forth the proposed business to be addressed and the items to be discussed at the Board meeting.

The agenda must include at least 1 period during which members of the public will be permitted to address the Board.

The agenda and related materials will be distributed to Board members in advance of a Board meeting by U.S. Mail, personal delivery, email, or another delivery method selected by the Board or the District's administration.

The agenda, if any, for an electronic Board meeting will be posted to the District's website as required by Policy 2501A.

The agenda may be amended by the Board at a Board meeting by majority vote of the members serving on the Board.

The Board may use a consent agenda to address routine matters. Any Board member may request that a consent agenda item be removed from the consent agenda for separate consideration.

Legal authority: MCL 15.263, 15.263a; MCL 380.11a, 380.601a

Date adopted:

2503 Voting Requirements

All Board decisions and actions must be made at a public meeting of the Board held in compliance with the Open Meetings Act.

The Board will make decisions and take action through motions and resolutions. A motion or resolution will be voted on by the Board once it has been made by a Board member and seconded/supported by another Board member.

Board members must vote on all motions and resolutions unless abstention is required due to a conflict of interest or otherwise required by law. A Board member's abstention, unless required by law, constitutes a breach of the member's duty as a public official.

Roll call votes will be conducted when required by law or when requested by the President or Secretary. The Board may adopt additional policies designating other matters requiring roll call vote approval.

A Board decision or action must be recorded in the minutes for the Board meeting at which the decision or action was taken.

Legal authority: MCL 15.269; MCL 380.1201; *Tavener v Elk Rapids Rural Agric Sch Dist*, 341 Mich 244 (1954)

Date revised:

2504 Public Participation at Board Meetings

Any member of the public may address the Board at a Board meeting, subject to the following rules:

A. Except during a public participation portion of a Board meeting, no member of the public or other person may address the Board during a public meeting without the express permission of the President or other presiding officer.

B. The Board will follow public participation rules that balance the District's interest in an orderly public meeting with the public's First Amendment rights. A copy of these rules and any additional public participation rules adopted by the Board will be made available at Board meetings. The Board's public participation rules include, but are not limited to, the following:

1. before addressing the Board, a member of the public will state his or her name and address;

2. each person's public comments are limited to three (3) minutes per public participation period. This time limit may be adjusted by the President or other presiding officer to facilitate public participation at Board meetings;

3. persons who are part of a group or organization or who share similar viewpoints are encouraged to designate a spokesperson to address the Board;

4. public comments of a personal nature are prohibited when: (a) the comments are unrelated to the manner in which a Board member or District employee performs that person's duties, and (b) the comments cause a substantial disruption to the meeting;

5. any public comment not protected by the First Amendment of the U.S. Constitution is prohibited;

6. Board members may ask questions of the speakers but are not required to answer questions or make statements in response to a public comment;

7. written statements and documents presented to the Board by a public participant or group are public records and must be given to the Secretary or designee; and

8. any audio recording, video recording, broadcasting, or telecasting must be performed from the seating area designated for the public or in the area otherwise designated by the President, Superintendent, or designee, and must not disrupt the meeting.

C. Once the President or other presiding officer has determined that each member of the public requesting to do so has had a reasonable opportunity to address the Board during a public participation portion of a Board meeting, the President or other presiding officer will announce that the public participation portion of the meeting has ended.

D. If the President or other presiding officer determines that a member of the public has violated 1 or more of the above rules and refuses to come into compliance with those rules, the member of the public will lose the right to speak during public comment at that meeting. A person who persistently engages in disorderly conduct or otherwise breaches the peace at a Board meeting, after notice from the President or other presiding officer, may be removed.

Legal authority: U.S. Const, amend. I; MCL 15.263(1), 15.263(5); MCL 380.1808

Date revised:

2505 Board Committees

A. General

1. The Board may establish standing, advisory, and ad hoc committees as it deems necessary and advisable.

2. The Board determines a committee's membership, chairperson, purpose, duties, and authority. The Board may delegate authority to the President to determine a committee's membership and chairperson.

3. A committee's membership must include at least 1 Board member.

4. A committee must be composed of fewer Board members than would constitute a quorum of the Board.

5. The Superintendent or designee may serve as an ex officio member of any committee.

B. Committee Meetings

1. Committee meetings will be convened by the committee's chairperson or designee.

2. When applicable, committee meetings must be held in compliance with the Open Meetings Act, Policy 2501, and, if applicable, Policy 2501A. Any committee that is authorized to make decisions on the Board's behalf must conduct its meetings in compliance with the Open Meetings Act, Policy 2501, and, if applicable, Policy 2501A, including notice requirements, recording minutes, and allowing for public participation.

3. Meeting notices as required by the Open Meetings Act, Policy 2501, and, if applicable, Policy 2501A, will be posted for any committee meeting at which more than a quorum of the Board may be present.

4. When required by the Open Meetings Act, a committee will keep minutes of its meetings. In addition, the Board may direct that a committee keep minutes of its meetings, even if not required by the Open Meetings Act.

C. Committee of the Whole Meetings

The Board may meet as a committee of the whole. A committee of the whole meeting must be conducted in compliance with the Open Meetings Act, Policy 2501, and, if applicable, Policy 2501A. The provisions of this Policy do not otherwise apply to committee of the whole meetings.

Legal authority: MCL 15.261 et seq.; *Schmiedicke v Clare Sch Bd*, 228 Mich App 259 (1998)

Date revised:

2506 Organizational Meetings

The Board's first regular meeting each calendar year will be an organizational meeting.

During that meeting, the Board will:

A. elect Board officers in compliance with Policy 2405. The Superintendent or designee will preside over the organizational meeting until a President is elected;

B. set the schedule for regular Board meeting dates; and

The Board may perform any other act and conduct any other business it deems appropriate during an organizational meeting.

The Board may conduct additional organizational meetings during the calendar or fiscal year.

Legal authority: MCL 380.11(a)(3)

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3101 Insurance

The Board will purchase insurance as required by law. The Board may purchase other insurance or participate in pools and other forms of risk management as the Board deems appropriate to provide indemnity and defense for the District, Board members, employees, and volunteers. Except for employee medical, optical, and dental insurance, the Board may, but is not required to, solicit bids to purchase insurance. The Board will review its insurance coverages in anticipation of expiration or as otherwise needed.

Legal authority: MCL 124.75; MCL 129.51; MCL 380.11a, 380.601a, 380.632, 380.1227, 380.1236a, 380.1269, 380.1332; MCL 691.1409

Date revised:

3102 Smoking, Tobacco Products, Drugs, and Alcohol

A. Definitions

1. "Electronic nicotine delivery system" includes the components, parts, and accessories of an electronic nicotine delivery system, such as e-liquids, cartridges, atomizers, cartomizers (atomizer plus replaceable fluid-filled cartridge), clearomisers, tank systems, flavors, and vials that contain e-liquids.

2. "Illegal drugs" means "controlled substances" under federal or Michigan law, anabolic steroids, human growth hormones or other performance-enhancing drugs, substances purported to be illegal, abusive, or performance-enhancing (i.e., synthetic "look-alike") drugs, or other drugs prohibited by law.

3. "Tobacco product" means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

4. "Use of tobacco product" means any of the following:

   a. the carrying by a person of a lighted cigar, cigarette, pipe, other lighted smoking device, or electronic nicotine delivery system;

   b. the inhaling or chewing of a tobacco product;

   c. the placing of a tobacco product within a person's mouth; or

   d. the smoking or use of electronic vapor or other substitute forms of cigarettes, clove cigarettes, other lighted smoking devices, or other

electronic nicotine delivery systems for consuming or inhaling tobacco or any other substance.

B. Smoking and Tobacco Products

1. The District prohibits the sale, possession, distribution, dispensation, or use of tobacco products, electronic cigarettes, vaporizers, and all electronic nicotine delivery systems on property owned or operated by the District,

2. RESERVED

C. Drugs

1. The District prohibits the sale, possession, distribution, dispensation, or use of illegal drugs on property owned or operated by the District and at any District-related event.

2. The District prohibits the sale, possession, distribution, dispensation, or use of any products containing cannabidiol (commonly referred to as CBD) on property owned or operated by the District and at any District-related event. The Superintendent or designee will consider exceptions to this prohibition.

3. District personnel should review Policy 4210 for the District's drug- and alcohol-free workplace policy. Students should review Policy 5206 for the student discipline policy.

D. Alcohol

1. The District generally prohibits the sale, possession, distribution, dispensation, and use of alcohol on property owned or operated by the District and at any District-sponsored event, except as otherwise provided in this Policy.

2. With the written permission of the Superintendent or designee, the District may permit the lawful sale, possession, distribution, dispensation, and use of alcohol on school property.

   a. RESERVED

3. Any person or entity with the Superintendent's or designee's permission in subsection D.2 must comply with and enforce all applicable laws and regulations and obtain any legally-required permits. See also Policy 3304.

4. District personnel should review Policy 4210 for the District's drug- and alcohol-free workplace policy.

Legal authority: 20 USC 6081 et seq.; 21 USC 812, 21 USC 860; 21 CFR 1100.3; MCL 333.7201 et seq., 333.7410, 333.12601 et seq.; MCL 436.1904; MCL 722.642; MCL 750.473; Mich Admin Code R 338.3101 et seq.

Date revised:

3103 Copyright Compliance

A. Use Restrictions

Copyrighted works, including audio, video, images, software, applications, and other documents or media, may be reproduced, distributed, used, or performed only in compliance with copyright law.

B. Copyright Compliance Materials and Training

Upon request, the District will make copyright educational and compliance information available to students and personnel. The District may require an unauthorized user of a copyrighted work to participate in copyright training.

C. Course Materials Subject to Copyright Protection

Course materials may be subject to copyright protection and may not be copied for use outside of their intended educational purpose.

D. Copies for a Person with a Disability

This Policy does not prohibit lawful reproduction or distribution of a copyrighted work in a specialized format to facilitate access by a person with a disability.

E. Removal of an Unauthorized Copyrighted Work

If the District discovers the unauthorized use of a copyrighted work, reasonable steps will be taken to remove, deny access to, and discontinue use of any such work stored in the District's paper or digital files.

F. Violation by Students and Staff

An employee who violates this Policy may face disciplinary action, including discharge. A student who violates this Policy may face disciplinary action, including permanent expulsion. A person who subjects the District to liability for copyright infringement, including but not limited to direct, contributory, or vicarious infringement, may be required to reimburse the District for all costs related to that infringement.

Legal authority: 17 USC 101 et seq.

Date revised:

3104 School Cameras and Monitoring

The District may monitor any building, facility, property, bus, or vehicle with video recording equipment other than areas where a person has a legally recognized and

reasonable expectation of privacy (e.g., restrooms and locker rooms). Except in those areas, a person has no expectation of privacy.

A. The District will not use video recording equipment that also records audio, except in the following situations:

   - an open session Board meeting;
   - a District or District-sponsored athletic event or performance;
   - a graduation ceremony;
   - assigned coursework requiring audio recording capability;
   - any other lawful circumstance, if approved by the Superintendent or designee.

B. The District may use video recordings for any lawful purpose, including student or employee discipline, assisting law enforcement, or investigations.

C. Audio and video recordings by students are addressed in Policy 5805, and audio or video recordings of parent/guardian and student meetings are addressed in Policy 5806.

Legal authority: 18 USC 2510 et seq.; MCL 750.539a, 750.539c, 750.539d

Date revised:

3105 Visitors and Volunteers

Visitors and volunteers, including parents/guardians, may access the District's property subject to all applicable Policies. The District may deny such access for any lawful reason.

A. Visitors

   1. A person may not enter or remain on the District's property if prohibited by law.
   2. A person visiting a school building during instructional hours must first report to the building's main office. In the Superintendent's or building principal's discretion, a visitor may be required to sign in, present a form of identification, explain the visitor's purpose, wear a visitor badge, and be escorted while on District property. District personnel that discover a visitor who has not reported to the building's main office will promptly direct the visitor to the building's main office.
   3. The District may require advance notice from a person who desires to observe classroom instruction. See also Policy 5401.
   4. The building principal or designee may permit a parent/guardian who is a registered sex offender to visit District property to participate in or attend his or

her child's school activities. The building principal or designee may require the parent/guardian to comply with other conditions upon visitation, including: a check-in/check-out system, an employee escort while on District property, and a requirement to leave District property immediately upon conclusion of the child's activity.

B. Volunteers

1. A person desiring to volunteer must provide information to the District, including that person's name, address, telephone number, and a form of identification.

2. The District may lawfully require a volunteer to complete an application and consent to a background check as described in Policy 4205.

3. Volunteering is a privilege, not a right. A person does not have any right to volunteer or to perform any particular volunteer assignment. The Superintendent or designee will assess a volunteer's capabilities and determine the appropriate volunteer assignment. The Superintendent or designee may reject a volunteer's request or deny or terminate a volunteer's assignment at any time for any reason that is not unlawful.

4. Volunteer Drivers

   a. A volunteer may only drive a District vehicle with approval of the Superintendent or designee and in compliance with all applicable laws. For purposes of this subsection B.4, a "District vehicle" is a vehicle owned or leased by the District, including a school bus, and a "private vehicle" is any vehicle that is not a District vehicle.

   b. With the Superintendent or designee's approval, District personnel, an approved volunteer, or a student's parent/guardian may transport students to and from a school or school-sponsored event in a private vehicle.

   c. Except in an emergency, before a student rides in a private vehicle, the driver must have permission from the student's parent/guardian to transport the student to or from the school or applicable event. Permission must be in writing if the driver is using a vehicle with a manufacturer's rated seating capacity of 11 or more passengers.

   d. A volunteer driver must:

      - hold a valid driver's license appropriate for the vehicle;
      - if required by law, hold a valid chauffeur's license; and
      - for a private vehicle, provide to the Superintendent or designee's satisfaction proof of insurance, and proof of the vehicle's lawful registration.

e. A volunteer driver is responsible for any loss, damage, cost, and liability related to the driver's operation of a District vehicle or private vehicle.

Legal authority: MCL 28.721 et seq.; MCL 257.6, 257.1807; MCL 380.1137, 380.1230, 380.1230a-h

Date revised:

3106 Booster Clubs, PTOs, and Other Support Groups

The Board recognizes the important role of parent/guardian groups, booster clubs, parent/guardian-teacher organizations ("PTOs"), and other organizations that support District programs and activities ("support groups"). This Policy clarifies the relationship between the District and support groups.

A. General Rules

1. A support group must comply with applicable laws, Policies, administrative guidelines, and internal procedures.

2. A support group is required to submit to the District Form 3106-F annually, whether a new or existing support group.

3. A support group will indicate on Form 3106-F whether it has completed the criteria to be designated as an external support group, as defined below. The Superintendent or designee, in his or her sole discretion, may designate a support group as an internal or external support group based on information provided and as defined below.

B. Internal Support Groups

1. An internal support group is a group of individuals, including parents/guardians, community members, and advisors, which is approved to operate within the District (e.g., internally conducted class or club fundraisers). An internal support group's activities require prior written approval of the Superintendent or designee.

2. Funds raised by an internal support group are public funds that must be deposited with the District, and any related expenditure must be approved by the Superintendent or designee.

3. The Board may revoke the approval of an internal support group at any time.

C. External Support Groups

1. An external support group is a group, separate from the District, that supports the District's programs and activities (e.g., booster clubs, both athletic and non-athletic, and PTOs). Unless the District agrees in writing, an external support group's activities are not District sponsored.

2. Funds raised by an external support group are not public funds and may not be held by, or deposited with, the District. An external support group must maintain a separate bank account and adopt written accounting procedures.

3. The District strongly encourages external support groups to seek the advice of legal counsel and form a separate legal entity.

4. The Superintendent or designee may request informational documents for verification purposes, including its accounting procedures, bylaws, insurance, and state or federal filings. The District's request and review of documentation is not an endorsement of its accuracy or legal sufficiency.

5. An external support group is prohibited from using the District's tax identification or employer identification number.

6. An external support group is not an agent of the District and may not represent that it is an agent of, or legally related to, the District.

7. An external support group may not represent or suggest that the District sponsors, endorses, or approves a fundraiser, annual participation fee, or solicitation without the District's written consent.

D. Violations

If a support group violates this Policy, the District may:

1. prohibit the group from using District facilities, soliciting funds on District property and at District-sponsored events, or using the District's name and logo; or

2. take any other action deemed appropriate by the Board.

Legal authority: MCL 380.11a, 380.601a; MCL 400.293

Date revised:

3107 Use of Detection Dogs

The District may use a detection dog, without a warrant or consent, to sniff property in an effort to locate illegal drugs or contraband according to the protocol below. A detection dog will not be used to search a person unless a warrant or appropriate consent has been obtained before the search or the search is otherwise authorized by law or Policy.

A. Protocol for Use of a Detection Dog

1. A detection dog is only permitted on District property with prior written permission of the Superintendent or building principal or pursuant to a court order. If law enforcement seeks to bring a detection dog onto District property

to comply with a court order, the Superintendent or building principal will request and retain a copy of the court order.

2. A detection dog must be properly trained and reliable and must be handled by a law enforcement officer or other person qualified to handle the dog.

3. The Superintendent or building principal will determine the location(s) where a detection dog will be used, in the absence of a warrant or court order specifying such location(s).

4. Students and staff may be informed over the public address system and may be directed to remain in place or relocate to a different area during the use of the detection dog.

5. If a detection dog alerts on a person's property, the alert will constitute reasonable suspicion for a District administrator to search the property.

   a. The administrator may first seek the person's consent to search the property.

   b. Absent consent, a search must be justified at its inception and reasonable in scope.

   c. All searches of students must comply with Policy 5103, and the student's parent/guardian will be notified of the search as soon as practicable after the search concludes.

   d. If the driver of a vehicle on which a detection dog has alerted refuses to unlock the vehicle, the matter will be promptly referred to law enforcement. The driver may also be subject to discipline.

6. Anything found in the course of a search that is evidence of a violation of Policy, school rules, handbook, or federal or state law may be seized and admitted as evidence in any disciplinary proceeding. A District administrator will tag and identify any illegal drug, dangerous weapon, and other illegal item and promptly turn it over to law enforcement.

B. Notice to Students and Staff

The District will provide written notice to students and staff about this Policy as soon as practicable after its adoption by the Board and at the beginning of each school year.

Date Revised:

3108 Service Animals

The District will permit a person with a disability to be accompanied by a service animal in all areas of the District's facilities where members of the public, invitees, or participants in District services, programs, or activities are permitted.

A. Definition

A "service animal" means any dog that is individually trained to perform tasks for the benefit of a person with a disability. A dog whose sole purpose is to deter crime or whose mere presence is to provide emotional support or comfort to the person with a disability is not a service animal.

Except as provided by law, other animals are not service animals for purposes of this definition. Under certain circumstances, the District will permit a person with a disability to be accompanied by a miniature horse in District facilities if the horse has been individually trained to perform tasks for the benefit of the person with a disability.

The work or tasks performed by a service animal must be directly related to the person's disability. The service animal must be trained to take a specific action when needed to assist the person with a disability. Examples of work or tasks include, but are not limited to:

- assisting blind or low vision persons with navigation and other tasks;
- alerting deaf or hard of hearing persons to the presence of people or sounds;
- providing non-violent protection or rescue work;
- pulling a wheelchair;
- assisting a person during a seizure;
- alerting persons to the presence of allergens, the onset of a seizure, or high/low blood sugar levels;
- retrieving items such as medicine or a telephone;
- providing physical support and assistance with balance and stability to persons with mobility disabilities; and
- helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

B. Admission of Service Animals

A student or employee with a disability who desires to be accompanied by a service animal at school is encouraged, but is not required, to notify the District in writing at least 10 school days or as soon as is practicable before bringing the service animal to school. The District may provide a form for this purpose.

If a student or employee desires to be accompanied by a service animal during school or work and the student or employee will not be the animal's handler, the handler must undergo a criminal history check and any other background check required for employees and volunteers by state law or Policy before being allowed to regularly access District facilities as the handler. The District will permit the person with a disability to be accompanied by a service animal in District facilities without that handler.

C. Inquiries

District officials may ask the person with a disability or the service animal's owner or handler the following questions to the extent the answers to the questions are not readily apparent:

- Is the service animal required because of a disability?
- What type of work or task has the service animal been trained to perform?

District personnel will not inquire about the nature or extent of the person's disability. District personnel also may not require documentation that the service animal is certified, trained, or licensed as a service animal, nor may District personnel require the service animal to demonstrate its task or work.

If a local ordinance or the public health department requires that dogs be vaccinated, registered, or licensed with the county or other authority, the District may require proof that a service animal meets those requirements.

D. Charges, Fees, and Liability

The District may not ask or require a person with a disability to pay the District to be accompanied by a service animal on District property. The District may charge the service animal's owner for damages to District property caused by the service animal to the extent it charges other persons for damages caused to District property.

The owner of the service animal is solely responsible and liable for any damage to District property or injury to persons caused by the animal.

E. Care and Supervision of Service Animal

The person with a disability or the service animal's handler is responsible for the care and supervision of the service animal at school, including, toileting, feeding, grooming, veterinary care, and exercising. The District is not responsible for supervising or otherwise caring for a service animal unless required by law.

F. Control of Service Animal

A service animal must be under the control of its handler at all times. A service animal must be on a harness, leash, backpack, or other tether unless the person's disability prevents the use of the device or the device interferes with the service

animal's safe and effective performance of work or tasks. In this case, the person with a disability or the handler must use voice, signal, or other effective means to maintain control of the service animal.

G. Exclusion of Service Animal

The District may exclude a service animal from District property or functions if:

- the animal is out of control and the handler does not take effective action to control it;
- the animal is not housebroken;
- the animal poses a direct threat to the health or safety of others; or
- the animal's presence fundamentally alters the nature of the District's programs, services, or activities.

If District officials determine that the service animal should be excluded from District facilities for one of the above reasons, the person with a disability (or the parent/guardian of a student with a disability) will be notified of the determination, asked to remove the service animal immediately, and given an opportunity to respond to the District's concerns. If a District official determines to exclude a service animal, he or she shall notify the owner in writing and provide a copy of the District's Section 504/ADA grievance procedures. The person with a disability shall be given the opportunity to participate in the District service, program, or activity without the service animal.

H. Allergies

Allergies to pet dander and the fear of dogs are not valid reasons to exclude a service animal from District facilities. A person who has a concern about a service animal's presence in District facilities should contact the building administrator or the District's Section 504/ADA Coordinator.

I. Denial of Access and Grievance

If a District official denies a request for access of a service animal, the person with a disability or his/her parent/guardian may file a written grievance with the District's Section 504/ADA Coordinator.

Nothing in this Policy diminishes any right a person with a disability may have to be accompanied by a service animal or other assistance animal in District facilities or at District events under other federal or state laws.

J. Non-Service Animals

Animals on District property that are not service animals as defined by the ADA, such as pets or emotional support animals, are not covered by this Policy. See Policy 3109.

Legal authority: 28 CFR 35.136; MCL 287.291

Date revised:

3109 Curricular Animals

An animal is not allowed on District property except as provided in this Policy, Policy 3108, with the Superintendent's or designee's approval, or as otherwise required by law. Nothing in this Policy diminishes any rights a person with a disability may have to be accompanied by a service animal or other therapy animal on District property. If an animal's handler is not a student or employee, the handler must undergo a criminal history check and any other background check required for employees and volunteers by state law or Policy before being allowed to regularly access District facilities as the handler.

A. Use of Animals for Instructional Purposes

An animal that supports a District program or curriculum or that is otherwise used for instructional purposes is allowed on District property with the Superintendent's or designee's prior written permission.

It shall be the responsibility of the building's Principal or their designee to develop a plan of care for those animals housed in District buildings in the event of a school closing (i.e., snow day, breaks). Animal-specific guidelines established by the Centers for Disease Control must be followed at all times.

B. Therapy Dogs

1. Definition of Therapy Dog

A "therapy dog," differs from an "emotional support animal," "comfort animal," or "companion animal." Therapy dogs are not "service animals" under the Americans with Disabilities Act (ADA) or Board Policy. Therapy dogs are those that have been:

a. individually trained and certified by an approved therapy dog training organization;

b. engaged in animal assisted activities and interactions under the direct supervision of a handler; and

c. managed by a handler who has been individually trained, evaluated, and registered with their therapy dog to provide animal assisted activities and animal-assisted interactions on District property.

A therapy dog must be well-behaved and have a temperament that is suitable for interaction with students and other persons in a public school. A therapy dog is the personal property of its owner, not the District.

2. Standards and Procedures for Therapy Dogs

The following requirements must be satisfied before a therapy dog is allowed on District property:

a. Request. An owner who wants to bring a therapy dog on District property must submit a written request to the Superintendent or designee. The request must be renewed each school year or whenever a different therapy dog will be used.

b. Training and Certification. The owner must submit any training or certification information requested by the Superintendent or designee. Any certification required by the District must remain current at all times.

c. Health and Vaccination. The therapy dog must be clean, well-groomed, in good health, house broken, and immunized against diseases common to such animals. The owner must submit proof of current required licensure from the county or other licensing authority and proof of the therapy dog's current vaccinations and immunizations from a licensed veterinarian, if applicable.

d. Control. A therapy dog must be under the owner's or handler's control at all times.

e. Handler. If the therapy dog's handler is a District employee, the therapy dog will not interfere with the employee's primary job responsibilities.

f. Ownership. Therapy dogs may be provided by a third party, or independently owned by a District employee. If owned by a District employee, the therapy dog must meet the standards of health described above at the owner's expense. Required training for accreditation must be at the owner's expense. The District bears no financial responsibility for the care or feeding of the therapy dog. The District is not responsible for providing any care, supervision, or assistance of the therapy dog.

g. Transportation. Animals, other than service animals, are not to be transported on school buses. It is the responsibility of the therapy dog's handler to transport the dog to and from school property.

h. Identification. The therapy dog must wear appropriate identification identifying it as a therapy dog.

i. No Disruption. The therapy dog's behavior must not disrupt the educational process.

j. Health/Safety. The therapy dog must not pose a health or safety risk to any student, employee, or other person.

k. Supervision/Care of Therapy Dogs. The owner or handler is responsible for the supervision and care of a therapy dog, including feeding, exercising, and clean up while the dog is in a District building or on District property.

The District is not responsible for providing any supervision, care, or assistance for a therapy dog.

l. Authorized Area(s). The owner or handler will only allow the therapy dog to be in those areas that have been pre-authorized by the Superintendent or designee.

m. Insurance. The owner or handler must submit a copy of an insurance policy that provides liability coverage for any damage or injury caused by the therapy dog while on District property.

3. Exclusion or Removal from School

A therapy dog may be excluded from District property if the Superintendent or designee determines that:

a. the handler does not have control of the dog;

b. the dog is not housebroken,

c. the dog presents a direct and immediate threat to others; or

d. the dog's presence otherwise disrupts the educational process.

The owner or handler must remove the therapy dog from District property immediately upon such a determination.

4. Allergic Reactions

If any student or employee assigned to a classroom in which a therapy dog is permitted suffers an allergic reaction to the therapy dog, the owner or handler must remove the dog to a different location designated by the Superintendent or designee.

5. Damages to District Property and Injuries

The owner of a therapy dog is solely responsible and liable for any damage to property or injury to persons caused by the therapy animal.

C. Emotional Support Animals

An "emotional support animal" is an animal that has not been individually trained to perform a specific job or task for a person with a disability, but its presence provides comfort or emotional support to others. Emotional support animals are not "service animals" under the ADA or Board Policy.

An emotional support animal is not allowed on District property except as otherwise required by law.

Legal authority: 28 CFR 35.136

Date revised:

3110 Data Breach Response

"Data breach," as used in this Policy, means "a breach of the security database" as defined in the Michigan Identity Theft Protection Act.

If the District experiences a data breach, the Superintendent or designee, with the assistance of other staff or consultants as necessary, must do the following:

A. Assess and Investigate the Data Breach

1. Make a reasonable effort to identify the cause of the data breach and secure known access points.

2. Promptly conduct a reasonable investigation to determine the extent of the data breach and the identity of persons whose personal information has been compromised. The investigation will include, to the extent possible, an assessment of the software, hardware, and physical documents that were accessed; which personnel and third parties had access to the compromised data; and what specific information was compromised.

3. Contact legal counsel, insurance carriers, and any other person or consultant necessary to investigate the cause of or response to the data breach. If appropriate, the Superintendent or designee may also contact law enforcement.

B. Notifications Involving Michigan Resident Data

1. Promptly notify:

   a. each Michigan resident whose personal information was accessed, including encrypted information, if the person accessing the information also had unauthorized access to the encryption key; and

   b. any other person or organization that owns or licenses data subject to a data breach affecting a Michigan resident.

2. Notices must:

   a. be in writing;

   b. describe the data breach in general terms, the type of personal information accessed in the data breach, the District's response to protect data from further breaches, and remind the affected person of the need to remain vigilant for incidents of fraud and identity theft;

   c. include the District's telephone number and any other telephone number where the recipient may receive additional information; and

d. whenever possible, be mailed to the postal address of the affected person.

C. If a data breach or other digital intrusion compromises information of a non-Michigan resident, comply with the data breach notification law of that resident's state.

Legal authority: MCL 445.63, 445.72

Date revised:

3111 Drones

The District seeks to provide a safe learning environment, limit distractions, and protect the privacy of students and employees. Drone operation may threaten those objectives. A drone may be operated on District property only in accordance with this Policy.

As used in this Policy, a "drone" is an unmanned aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

A. Approval of Drone Use

Except as provided in subsection B.2.b., drone operation on District property must be approved in writing by the Superintendent or designee.

B. Use Requirements

1. A drone must weigh less than 55 pounds, including the weight of anything attached to the drone. A drone exceeding this weight restriction may not be operated on District property absent FAA approval.

2. A drone may be used:

a. for recreational purposes. Recreational purposes is broadly construed to refer to any drone use that is not for:

i. compensation;

ii. furtherance of a business; or

iii. instructional purposes.

b. by a student if the use is a component of an approved curriculum. A drone may be used by personnel if the use is incidental and secondary to a student's permitted co-curricular use.

c. for commercial purposes in accordance with FAA regulations and requirements.

3. A drone operator must:

a. abide by safety guidelines of a community based organization;

b. maintain a visual line of sight with the drone for the duration of the use;

c. not interfere with manned aircraft operations;

d. not operate the drone more than 400 feet above ground level;

e. not use the drone in a manner that would violate another person's reasonable expectation of privacy (e.g., via recording, broadcasting, or otherwise) or endanger people, vehicles, or District property; and

f. comply with applicable law.

C. Disclaimer of Damages and Liability

The District will make a reasonable attempt to retrieve drones that have landed in an area accessible only by authorized District personnel. The District is not responsible for any damaged or lost drones or damages arising out of a drone operator's use of a drone on District property.

D. Violations and Unauthorized Use

A person who violates this Policy may be referred to law enforcement, directed to discontinue use, and denied future requests for drone operation. A student or employee who violates this Policy may also be subject to discipline.

Legal authority: 14 CFR Part 107

Date revised:

3112 Hours and Days of School Operations

The Board will adopt a calendar for each school year that, except as allowed by law, is consistent with the ISD common school calendar. The Board will include sufficient instructional time to satisfy minimum requirements for full funding under State School Aid Act Section 1701 and to comply with contractual obligations and all other legal duties. The calendar may be amended as permitted by law. By August 1 of each year, the Board will certify to MDE the number of hours of pupil instruction in the previous school year.

As provided by law, the District may apply to the State Superintendent to except any District year-round or trimester program from the ISD-established common school calendar.

Legal authority: MCL 380.1175, 380.1284, 380.1284a, 380.1284b; MCL 388.1701

Date revised:

3113 Social Security Numbers

The District's use, storage, and transmission of social security numbers will comply with this Policy and applicable law. As used in this Policy, "social security number" means more than 4 sequential digits of a person's social security number.

A. Social Security Number Confidentiality

1. District personnel may access another person's social security number only to the extent necessary to perform District job duties.

2. Any physical, non-digital document or physical copy of a digital document, containing a person's social security number, if practical, should be stored in a secure area when not in use.

3. Any application, software program, electronic document, or other digital means through which a person has access to a social security number must be password protected.

4. District personnel and Board members will not intentionally disclose a social security number or a document containing a social security number to another person unless (a) that person is authorized to receive social security numbers under subsection B of this Policy, or (b) the disclosure is necessary to comply with applicable law, subpoena, or court order.

5. To share a document containing a social security number with a person not authorized to receive a social security number under subsection B, District personnel must make reasonable efforts to redact social security numbers from the document.

6. District personnel authorized to receive social security numbers will make reasonable efforts to destroy each document containing a social security number when it is no longer needed by shredding or incinerating it, subject to record retention requirements. See Policy 3502.

7. The District will not display a social security number on its checks.

B. District Personnel Authorized to Receive Social Security Numbers

1. The following persons may receive a social security number in the course of performing their duties:

   - Superintendent;
   - Chief business official;
   - Chief human resources official;

2. If District personnel or a Board member encounters a document in the District's possession containing a social security number of another person in the course

of performing District duties, that person should give the document to a person authorized to receive social security numbers.

C. FOIA Requests

The District will make reasonable efforts to redact social security numbers from all documents produced in response to a FOIA request.

D. Penalties

1. A Board member who knowingly violates this Policy may be censured by the Board.

2. An employee who knowingly or negligently violates this Policy may be subject to discipline. See Policies 4309, 4408, 4506, and 4607.

Legal authority: 5 USC 552a; 42 USC 405; MCL 445.81 et seq.

Date revised:

3114 Litigation

To initiate a lawsuit against the District, a person must serve the summons and complaint on the President, Secretary, or Treasurer and in compliance with applicable court rules. The District will promptly notify its insurance carrier of litigation against the District when appropriate. For threatened, pending, or anticipated litigation, the District will retain records in accordance with Policy 3502.

Legal authority: Fed R. Civ. Pro. 4; MCL 380.1641; MCR 2.105

Date revised:

3115 Nondiscrimination and Retaliation

The District does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy, gender identity, or sexual orientation), marital status, disability, or any other legally prohibited basis in admission or access to District programs and activities.

A. Employee complaints of unlawful discrimination (including harassment) and unlawful retaliation are governed by Policy 4104. Employee complaints of Title IX sexual harassment are governed by Policy 3118.

B. Student complaints of unlawful discrimination (including harassment) and unlawful retaliation are governed by Policy 5202. Student complaints of Title IX sexual harassment are governed by Policy 3118.

C. A contractor, volunteer, visitor, employee acting outside the scope of employment, or other non-student who believes he or she has been the subject of, or is otherwise aware of, unlawful discrimination (including harassment) or unlawful retaliation must timely file a good faith complaint alleging unlawful discrimination (including harassment) or unlawful retaliation using Form 4104-F with the Superintendent or, if a complaint is against the Superintendent, with the Board President. A complaint of unlawful discrimination (including harassment) or unlawful retaliation will be promptly and thoroughly investigated. The Superintendent or Board President will forward the complaint to one of the following, as applicable:

1. Title IX Coordinator;

2. Section 504 Coordinator; or

3. Civil Rights Coordinator.

D. Any person may also contact the Office for Civil Rights, U.S. Department of Education ("OCR"), by email at OCR.Cleveland@ed.gov, by telephone at (216) 522-4970, or by fax at (216) 522-2573 regarding compliance with the regulations implementing Title VI, Title IX, Section 504, or any other applicable laws for which OCR has jurisdiction.

E. A contract to which the District is a party shall be read to include a covenant by the contractor and its subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, national origin, religion, sex (including pregnancy, gender identity, or sexual orientation), age, height, weight, and marital status.

Legal authority: 20 USC 1681 et seq.; 29 USC 701 et seq.; 38 USC 4301-4335; 42 USC § 2000d et seq., 42 USC 12101 et seq.; Const 1963, art 1, § 26; MCL37.1101 et seq., 37.2101 et seq., 37.2209

Date revised:

3116 District Technology and Acceptable Use

The Board will provide students, staff, volunteers, and other authorized users access to the District's technology resources, including its computers and network resources, in a manner that encourages responsible use. Any use of District technology resources that violates federal or state law is expressly prohibited.

A. Children's Internet Protection Act

The Board complies with the Children's Internet Protection Act ("CIPA") and directs its administration to:

1. Monitor minors' online activities and use technology protection measures on the District's computers with internet access to block minors' access to visual depictions that are obscene, constitute child pornography, or are harmful to minors. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

    a. taken as a whole and as to minors, appeals to a prurient interest in nudity, sex, or excretion;

    b. depicts, describes, or represents, in a patently offensive way as to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

    c. taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

2. Use technology protection measures on the District's computers with internet access to block all access to visual depictions that are obscene or that constitute child pornography. The technology protection measures may be disabled by authorized personnel during adult use to enable access to bona fide research or for other lawful purposes. The Superintendent or designee will determine which District personnel are authorized to disable the protection measures.

3. Educate minors about appropriate online behavior, including interacting with other people on social networking websites and chat rooms, as well as cyberbullying awareness and response.

4. Prohibit access by minors to inappropriate matter on the internet.

5. Prohibit unauthorized access, including hacking and other unlawful online activity by minors.

6. Prohibit the unauthorized disclosure, use, and dissemination of personal identification information about minors.

7. Restrict minors' access to materials that are inappropriate for minors. The Board defines materials that are "inappropriate for minors" to include obscene depictions, child pornography, and any other material harmful to minors.

8. Encourage the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communication.

The Superintendent or designee will take steps necessary to implement this Policy and to otherwise comply with CIPA.

B. Acceptable Use Agreement

The Superintendent or designee will develop, review, and revise as necessary an acceptable use agreement that must be signed before a user is provided access to the District's technology resources. Different acceptable use agreements may be developed based on the user's status. At a minimum, the Superintendent or designee will develop an acceptable use agreement to be signed by each of the following groups:

- adult users, including employees, volunteers, and Board members;
- students in grades 7 and above and their parent/guardian; and
- students in grades 6 and below and their parent/guardian.

The acceptable use agreement must be consistent with this Policy and must include, at a minimum, all of the following:

1. A statement that:
    a. use of District technology resources is a privilege that may be revoked at any time;
    b. a user has no expectation of privacy when using District technology resources;
    c. District technology resources use may be monitored by the District and that the use may be subject to FOIA or disclosure in litigation;
    d. District technology resources may not be used to bully, harass, or intimidate others;
    e. misuse of District technology resources may result in loss of access to the resources and potential disciplinary action; and
    f. the District does not guarantee that the District's technology resources will be error free or uninterrupted.
2. Provisions to protect the integrity of District technology resources, including a requirement that each user only access the resources by using that user's assigned user name and password.
3. A list of what constitutes misuse of District technology resources.
4. A prohibition against:
    a. accessing other user accounts or files without authorization;
    b. conducting personal business or activities;
    c. accessing pornography;
    d. communicating inappropriately with students;

e. accessing or downloading confidential student information which the employee has no legitimate educational need to know; and

f. accessing or downloading unauthorized software or programs.

5. A requirement that users report any material that is threatening, harassing, or bullying.

6. A release of all claims and liability against the District for use of District technology resources.

C. District Personnel Use

District personnel must comply with Policies 4215 and 4216.

D. State Assessments

During the administration of state assessments (e.g., WIDA, M-STEP, etc.), unless otherwise permitted by this subsection, students and District personnel, including those individuals acting as test administrators, are prohibited from possessing, using, wearing, or otherwise accessing any electronic devices not being actively used for testing purposes when in an active testing session or while on a break when in an active testing session. Pictures, videos, or other communications regarding test content are prohibited during all testing and breaks.

For the purposes of this subsection, an "electronic device" includes any electronic device that can be used to record, transmit, or receive information not used for testing, including but not limited to computers, tablets, iPads, e-readers, smart watches (including Fitbits), smartphones and cell phones, Bluetooth headphones or smart earbuds, or smart glasses.

The Superintendent and building principals are authorized to develop additional building-level rules related to state assessments so long as those rules are not in conflict with this subsection.

1. Students

a. Students shall leave all electronic devices outside of the testing room or shall power off all electronic devices and surrender them to the test administrator for collection prior to beginning the testing session.

b. If an additional electronic device is medically necessary for a testing student, the device must be left with the test administrator, unless the student is required to possess the device, in which case the test must be administered to the student by a test administrator in a one-on-one setting and the student must be actively monitored at all times while testing.

c. During the testing sessions or breaks, students may not access any additional websites or applications on a device used for testing.

2. Test Administrators

   a. Test administrators or other District personnel monitoring or troubleshooting the administration of state assessments must:

      i. Ensure that all background applications and alternative websites are disabled on testing devices.

      ii. Actively monitor students in the testing room and verify that students do not have access to additional electronic devices before, during, and after testing, including breaks.

      iii. Refrain from disturbing the testing environment, including through texting, speaking, or using electronic devices for non-testing purposes (e.g., to complete other work). Test administrators must silence all electronic devices. Test administrators may wear a wearable electronic device (e.g., smart watch or Fitbit), but must ensure that the device is in airplane mode during test administration.

   b. Test administrators may use electronic devices to alert other personnel of issues or emergencies requiring assistance. Such other personnel may use their electronic devices for troubleshooting purposes, but should exit the testing room when engaging in those communications.

3. Penalties

   The failure to comply with this subsection may result, as applicable, in employee or student disciplinary action and such consequences as deemed necessary or appropriate by the Michigan Department of Education (e.g., invalidation of an individual student's test, or misadministration of the entire testing session and invalidation of all the students' tests).

E. Public Access to Technology

1. Pursuant to the Michigan Library Privacy Act, each school library offering public access to the internet or a computer, computer program, computer network, or computer system (a "Qualifying School Library") will limit minors to only use or view those terminals that do not receive material that is obscene, sexually explicit, or harmful to minors. Persons age 18 or older, or a minor accompanied by the minor's parent/guardian, may access a school library terminal that is not restricted from receiving such material, if any.

2. Only when a Qualifying School Library offers public access as described in subsection D.1., the District must designate at least 1 terminal that is not restricted from receiving such material and at least 1 terminal that is restricted from receiving such material. Library staff must take steps to ensure that minors not accompanied by a parent or guardian do not access the unrestricted terminal. The Superintendent or designee will determine which employees will implement subsection D in each Qualifying School Library.

3. As used in this Policy, “terminal” means a device used to access the internet or a computer, computer program, computer network, or computer system.

Legal authority: 47 USC 254; MCL 397.602, 397.606

Date revised:

3117 Intellectual Property

The District’s intellectual property includes written or artistic works, logos, marks, instructional materials, textbooks, curriculum, software, inventions, procedures, ideas, innovations, systems, and programs, or derivatives of the foregoing, regardless of publication or registration.

Other than District personnel acting in the course of performing a duty for the District, no person may use the District's intellectual property without the prior written permission of the Superintendent or designee or Board approval.

Any work product or derivative work product created or developed by personnel related to District duties or during work hours is a work made for hire and is the District’s exclusive property.

Date revised:

3118 Title IX Sexual Harassment

Consistent with Policy 3115, the District prohibits unlawful sex discrimination, including harassment and retaliation, in any of its education programs or activities in accordance with Title IX of the Education Amendments of 1972 and its implementing regulations.

This Policy addresses allegations of Title IX sexual harassment that occurred on or after August 14, 2020. Allegations of discrimination, harassment, or retaliation not covered by this Policy should be addressed under the District’s applicable non-discrimination or anti-harassment policies. Allegations alleging both Title IX sexual harassment and other forms of unlawful discrimination and harassment (e.g., race, age, disability) that cannot be reasonably separated into two distinct complaints should be investigated under this Policy. Investigating other forms of discrimination, including harassment and retaliation, through this Policy will fulfill the District’s investigation requirements under Policies 4104 or 5202, but nothing in this paragraph limits the District’s right to determine at any time that a non-Title IX allegation should be addressed under Policies 4104 or 5202 or any other applicable Policy.

The Board directs the Superintendent or designee to designate one or more employees who meet the training requirements in Section M of this Policy to serve as the District’s Title IX Coordinator(s). The Title IX Coordinator will designate an Investigator, Decision-Maker, and Appeals Officer, if applicable, for each Formal Complaint made under this

Policy. If a Formal Complaint is made under this Policy against the Title IX Coordinator, the Board President will designate the persons who will serve as the Investigator, Decision-Maker, and Appeals Officer and will work with District administrators to ensure that all other requirements of this Policy are met.

The Investigator, Decision-Maker, Appeals Officer, and any person designated to facilitate an informal resolution process cannot be the same person on a specific matter, and the persons designated to serve in those roles may or may not be District employees. Any person serving as the Investigator, Decision-Maker, Appeals Officer, or person designated to facilitate an informal resolution process must meet the training requirements in Section M of this Policy.

Inquiries about Title IX's application to a particular situation may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

A. Definitions

For purposes of this Policy, the below terms are defined as follows:

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

    a. A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct;

    b. Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

    c. "Sexual assault" as defined in 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).

        i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. It includes unlawful sexual intercourse (including incest and statutory rape) and any sexual act, including rape, sodomy, sexual assault with an object, or fondling, directed against another person without the consent of that person, including when that person is incapable of giving consent."

            A) Rape: (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

B) Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

C) Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

D) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

E) Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

F) Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

ii. "Dating violence" means violence committed by a person who is or has been in a romantic or intimate relationship with the Complainant. The existence of such a relationship is based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

iii. "Domestic violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, person with whom the Complainant shares a child, person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan; or any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan.

iv. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

2. "Actual Knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any District employee. Imputation of knowledge based solely on vicarious liability or constructive

notice is insufficient to constitute actual knowledge. This standard is not met when the only District employee with actual knowledge is the Respondent.

3. "Appeals Officer" is the person designated by the District to handle appeals of a dismissal or determination of responsibility for matters investigated under this Policy. The Appeals Officer may not be the same person as the Investigator, Title IX Coordinator, Decision-Maker, or person designated to facilitate an informal resolution process on a specific matter.

4. "Complainant" is a person who is alleged to be the victim of conduct that could constitute Title IX sexual harassment.

5. "Consent" means a voluntary agreement to engage in sexual activity by a person legally capable of consenting. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent. Sexual conduct or relationships between District employees, volunteers, or contractors and students, regardless of age or consent, are prohibited.

6. "Day," unless otherwise indicated, means a day that the District's central office is open for business.

7. "Decision-Maker" is the person designated by the District to review the investigation report and provide a written determination of responsibility that provides the evidentiary basis for the Decision-Maker's conclusions. The Decision-Maker may not be the same person as the Investigator, Title IX Coordinator, Appeals Officer, or person designated to facilitate an informal resolution process on a specific matter.

8. "Education Program or Activity" means any location, event, or circumstance over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred.

9. "Formal Complaint" means a written document or electronic submission signed and filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the sexual harassment allegation.

10. "Grievance Process" is the process by which the District handles Formal Complaints.

11. "Investigator" is the person designated by the District to investigate a Title IX Formal Complaint. The Investigator cannot be the same person as the Decision-Maker, Appeals Officer, or person designated to facilitate an informal resolution process on a specific matter. The Title IX Coordinator may serve as

the Investigator on a particular investigation, unless the Title IX Coordinator has a conflict of interest or bias.

12. "Report" means an account of alleged Title IX sexual harassment made by any person (regardless of whether the reporting party is the alleged victim).

13. "Respondent" is a person who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

14. "Supportive Measures" are non-disciplinary, non-punitive, individualized services offered and implemented by the Title IX Coordinator as appropriate, as reasonably available, and at no-cost to the Complainant and the Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment.

15. "Title IX Coordinator" is the person(s) designated by the District to coordinate the District's Title IX compliance. The Title IX Coordinator may not be the same person as the Appeals Officer or Decision-Maker on any matter. A person not serving as a Title IX Coordinator in a particular matter is not disqualified from serving in another role in that matter. The Title IX Coordinator may also serve as the Investigator or person designated to facilitate an informal resolution process on a particular investigation, unless the Title IX Coordinator signed the Formal Complaint.

B. Posting Requirement

The Title IX Coordinator's contact information (name or title, office address, electronic mail address, and telephone number), along with the District's Title IX nondiscrimination statement, must be prominently posted on the District's website and in any catalogs or handbooks provided to applicants for admission or employment, students, parents/guardians, and unions or professional organizations with a collective bargaining or professional agreement with the District.

The District will provide notice of this Policy to all applicants, students, parents/guardians, employees, and unions or professional organizations with a collective bargaining or professional agreement with the District by prominently posting this Policy on its website and referencing this Policy in its handbooks, which will include the Title IX Coordinator's name or title, office address, electronic mail address, and telephone number.

C. Designation of Title IX Coordinator

The District designates the following person(s) as the Title IX Coordinator(s):

Director of Teaching and Learning
5 Memorial Drive
269-722-3350

Middle School Principal
1 N. Memorial Drive
269-722-3550

D. Reporting Title IX Sexual Harassment:

A person may make a report of sexual harassment or retaliation at any time. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that result in the Title IX Coordinator receiving the person's verbal or written report.

Any District employee who receives a report of sexual harassment or has actual knowledge of possible sexual harassment must convey that information to the Title IX Coordinator by the end of the next day.

Any other person who witnesses an act of sexual harassment is encouraged to report it to a District employee and may do so anonymously. No person will be retaliated against based on any report of suspected sexual harassment or retaliation.

E. General Response to Sexual Harassment

1. District's Obligation to Respond without Deliberate Indifference

Upon actual knowledge of Title IX sexual harassment, the Title IX Coordinator must respond promptly in a manner that is not deliberately indifferent. The District will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

If the Title IX Coordinator receives a report of sexual harassment and the Complainant does not file a Formal Complaint, the Title IX Coordinator must evaluate the information and determine whether to sign and file a Formal Complaint. If the Title IX Coordinator determines not to sign and file a Formal Complaint, the Title IX Coordinator must address the allegations in a manner that is not deliberately indifferent.

2. Response to Report of Title IX Sexual Harassment

Upon receipt of a report of sexual harassment, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

3. Formal Complaint Filed

   Upon the receipt of a Formal Complaint, the District must follow the Grievance Process in Section F of this Policy. A Formal Complaint may be submitted using the Title IX Sexual Harassment Formal Complaint Form.

4. Equitable Treatment

   The District will treat the Complainant and Respondent equitably throughout the Grievance Process, which may include offering supportive measures as described in Subsection E(6) of this Policy.

5. Documentation and Recordkeeping

   The Title IX Coordinator will document all sexual harassment reports and all incidents of sexual harassment that the Title IX Coordinator receives or personally observes.

   The District will retain this documentation in accordance with applicable record retention requirements in Section N of this Policy.

6. Supportive Measures

   After receiving a report of Title IX sexual harassment, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, with or without the filing of a Formal Complaint. If the District does not provide a Complainant with supportive measures, then the Title IX Coordinator must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

   The District may provide, as appropriate, non-disciplinary, non-punitive individualized services to the Complainant or Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed.

   Supportive measures should be designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party.

   Supportive measures are offered without charge to all parties and are designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment.

   Supportive measures may include, but are not limited to:

   a. District-provided counseling;

   b. Course-related adjustments, such as deadline extensions;

   c. Modifications to class or work schedules;

d. Provision of an escort to ensure that the Complainant and Respondent can safely attend classes and school activities; and

e. No-contact orders.

All supportive measures must be kept confidential, to the extent that maintaining such confidentiality would not impair the District's ability to provide the supportive measures.

7. Respondent Removal

a. Emergency Removal (Student)

The District may only remove a student Respondent from a District program or activity if, following an individualized safety and risk analysis, the District determines that there is an immediate threat to the physical health or safety of any student or other person arising from the sexual harassment allegations. The District must provide the Respondent with notice and an opportunity to immediately challenge the removal decision. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

b. Administrative Leave (Employee)

The District may place an employee Respondent on non-disciplinary administrative leave during the pendency of the Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

8. Law Enforcement

In appropriate circumstances, a District employee will notify law enforcement or Child Protective Services, consistent with Policies 4202, 5201, and 5701.

The District will attempt to comply with all law enforcement requests for cooperation with related law enforcement activity. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend or delay its investigation. If an investigation is delayed, the District will notify the parties in writing of the delay and the reasons for the delay.

If the District's investigation is suspended or delayed, supportive measures will continue during the suspension or delay. If the law enforcement agency does not notify the District within 10 days that the District's investigation may resume, the District will notify the law enforcement agency that the District intends to promptly resume its investigation.

F. Grievance Process

1. Generally

The Grievance Process begins when a Formal Complaint is filed or when the Title IX Coordinator signs a Formal Complaint and concludes the date the parties receive the Appeals Officer's written decision or the date on which an appeal is no longer timely. The District will endeavor to complete the Grievance Process within 90-120 days, absent extenuating circumstances or delays as described below. The District will treat both the Complainant and the Respondent equitably throughout the Grievance Process.

Neither the Title IX Coordinator, the Decision-Maker, the Investigator, Appeals Officer, nor any person designated to facilitate an informal resolution process will have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent.

The Grievance Process requires an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

Throughout the Grievance Process, there is a presumption that the Respondent is not responsible for the alleged conduct unless, in the determination of responsibility, the Decision-Maker finds the Respondent responsible for the alleged conduct.

At any point, the Title IX Coordinator, Investigator, Decision-Maker, or Appeals Officer may temporarily delay the Grievance Process or permit a limited extension of time frames for good cause. Good cause may include absence of a party, party's advisor, or witness; concurrent law enforcement activity; or the need for accommodations (e.g., language assistance or accommodation of disabilities). If there is a delay or extension, the parties will receive written notice of the delay or extension and the reasons for the action.

Any disciplinary action resulting from the Grievance Process will be issued in accordance with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

After the investigation portion of the Grievance Process has concluded, the Decision-Maker will endeavor to issue a determination of responsibility within 30 days, absent extenuating circumstances.

2. Notice of Allegations

Upon receipt of a Formal Complaint, the District must provide written notice to the parties who are known at the time that includes:

a. A copy of this Policy, which includes the District's Grievance Process, and any informal resolution process;

b. The sexual harassment allegations, including sufficient details known at the time and with sufficient time so that parties may prepare a response before the initial interview. Sufficient details include parties involved in the incident, if known; the alleged conduct constituting sexual harassment; and the date and time of the alleged incident;

c. A statement that the Respondent is presumed not responsible for the alleged conduct;

d. A statement that a determination of responsibility is made at the Grievance Process's conclusion;

e. A statement that the parties may have an advisor of their choice, who may be an attorney, although any attorney or advisor who is not a District employee will be at the party's own cost;

f. A statement that the parties will be provided an opportunity to inspect and review any evidence before the investigation report is finalized; and

g. If the Complainant or Respondent is a student, and the District's Student Code of Conduct addresses false statements by students during the disciplinary process, a citation to that portion of the Code of Conduct. If the Code of Conduct does not address false statements by students, the notice is not required to include any reference.

If, during the course of an investigation, the Investigator decides to investigate allegations that are not included in this notice, the District will provide notice of the additional allegations to the Complainant and Respondent.

3. Informal Resolution

During the Grievance Process, *after* a Formal Complaint has been filed but before a determination of responsibility has been made, the District may offer to facilitate an informal resolution process, or either party may request the informal resolution process. A Formal Complaint must be filed to initiate the informal resolution process.

Informal resolution does not require a full investigation and may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation, or restorative justice. The Title IX Coordinator will determine the informal resolution process that will be used, including the person who will facilitate that process.

Informal resolution is not available for a Formal Complaint alleging that an employee sexually harassed a student.

A party is not required to participate in an informal resolution process.

When offering informal resolution, the Title IX Coordinator must (1) provide both parties written notice of their rights in an informal resolution; and (2) obtain

written, voluntary consent from both parties to enter into the informal resolution process. The written notice must contain the:

a. Allegations;

b. Informal resolution requirements, including the circumstances under which the informal resolution precludes the parties from resuming a Formal Complaint arising from the same allegations;

c. Right to withdraw from informal resolution and resume the Grievance Process at any time prior to agreeing to a resolution; and

d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared

4. Investigation

The District has the burden of proof and the burden to gather evidence sufficient to reach a determination of responsibility.

a. Investigation Process

The District will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege in writing.

The District may not access, consider, disclose, or otherwise use a party's medical records, including mental health records, which are made and maintained by a healthcare provider in connection with the party's treatment unless the District obtains that party's voluntary, written consent to do so for the Grievance Process.

The Investigator must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence. The Investigator cannot restrict parties from discussing the allegations under investigation, nor can the Investigator restrict parties from gathering or presenting relevant evidence.

Parties may be accompanied by an advisor of their choice, including an attorney, in any meeting or Grievance Process proceeding. If a party chooses an advisor who is not a District employee, the District is not responsible for any associated costs. The Superintendent or designee may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties (e.g., abusive, disruptive behavior or language will not be tolerated; advisor will not interrupt the investigator to ask questions of witnesses).

The Investigator must provide the date, time, location, participants, and purpose of all hearings (if any), investigative interviews, and meetings, to a party whose participation is invited or expected. Written notice must be provided a sufficient time in advance so that a party may prepare to participate.

As described in Section L of this Policy, retaliation against a person for making a complaint or participating in an investigation is prohibited.

The Investigator must ensure that the Complainant and Respondent have an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party has the opportunity to meaningfully respond to the evidence before the investigation's conclusion. This evidence includes (1) evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and (2) inculpatory or exculpatory evidence obtained from any source.

Before the investigation's completion, the Investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 calendar days to submit a written response to the Investigator. The party's response must be considered by the Investigator before completing the final investigation report.

b. Investigation Report

The Investigator must create an investigation report that fairly summarizes relevant evidence and submit the investigation report to the Decision-Maker.

At least 10 calendar days before a determination of responsibility is issued, the Investigator must send the investigation report to each party for review and written response. Written responses to the investigation report must be submitted directly to the Decision-Maker.

The Investigator will endeavor to complete the investigation and finalize the report within 60 days.

5. Determination of Responsibility

The Decision-Maker cannot be the same person as the Title IX Coordinator, Investigator, Appeals Officer, or person designated to facilitate an informal resolution process.

Before the Decision-Maker reaches a determination of responsibility, and after the Investigator has sent the investigation report to the parties, the Decision-Maker must:

a. Afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness; and

b. Provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct, or the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If the Decision-Maker decides to exclude questions from either party as not relevant, the Decision-Maker must explain the decision to the party proposing the questions.

The Decision-Maker must issue a written determination of responsibility based on a preponderance of the evidence standard (i.e., more likely than not) simultaneously to both parties. The written determination of responsibility must include:

c. Identification of the sexual harassment allegations;

d. Description of the procedural steps taken from the receipt of the Formal Complaint through the determination of responsibility, including any:

   i. Notification to the parties;

   ii. Party and witness interviews;

   iii. Site visits;

   iv. Methods used to collect evidence; and

   v. Hearings held.

e. Factual findings that support the determination;

f. Conclusions about the application of any relevant code of conduct, policy, law, or rule to the facts;

g. A statement of, and rationale for, the result as to each allegation, including:

   i. A determination of responsibility;

   ii. Any disciplinary action taken against the Respondent (consistent with Policies 4309, 4407, 4506, 4606, or 5206, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts); and

iii. Whether remedies designed to restore and preserve equal access to the District's education program or activity will be provided to the Complainant.

h. Appeal rights.

6. Appeals

Notice of the determination of responsibility or dismissal decision must include notice of the parties' appeal rights.

Both parties may appeal a determination of responsibility or the decision to dismiss a Formal Complaint in whole or in part for the following reasons only:

a. A procedural irregularity that affected the outcome.

b. New evidence that was not reasonably available at the time the determination of responsibility or dismissal decision was made that could affect the outcome.

c. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.

d. Reserved

An appeal must be filed with the Title IX Coordinator within 5 calendar days of the date of the determination of responsibility or dismissal decision.

Upon receipt of an appeal, the Title IX Coordinator will assign an Appeals Officer who will provide both parties written notice of the appeal and an equal opportunity to submit a written statement in support of, or challenging, the determination or dismissal decision.

The Appeals Officer must provide a written decision describing the result of the appeal and the rationale for the result to both parties simultaneously. The Appeals Officer will endeavor to decide an appeal within 30 days.

The Appeals Officer cannot be the same person who acts as the Title IX Coordinator, Investigator, Decision-Maker, or person designated to facilitate an informal resolution process on the same matter. The Appeals Officer also cannot have a conflict of interest or bias against Complainants and Respondents generally or individually.

The determination of responsibility is final upon the date the parties receive the Appeals Officer's written decision or on the date on which an appeal is no longer timely.

G. Dismissal

1. Mandatory Dismissals

The Title IX Coordinator must dismiss a Formal Complaint if:

a. The Formal Complaint's allegations, even if proven, would not constitute sexual harassment as defined in this Policy;

b. The Formal Complaint's allegations did not occur in the District's programs or activities; or

c. The Formal Complaint's allegations did not occur in the United States.

2. Discretionary Dismissals

The Title IX Coordinator may dismiss a Formal Complaint if:

a. The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint in whole or in part;

b. The Respondent's enrollment or employment ends; or

c. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination (e.g., several years have passed between alleged misconduct and Formal Complaint filing, Complainant refuses or ceases to cooperate with Grievance Process).

The Title IX Coordinator will promptly and simultaneously notify both parties when a Formal Complaint is dismissed. The notice must include the reasons for mandatory or discretionary dismissal and the right to appeal. Appeal rights are discussed above in Subsection F(6) of this Policy.

Dismissal of a Formal Complaint under this Policy does not excuse or preclude the District from investigating alleged violations of other policy, rule, or law, or from issuing appropriate discipline based on the results of the investigation.

H. Consolidation of Complaints

The Title IX Coordinator or Investigator may consolidate Formal Complaints where the allegations arise out of the same facts or circumstances. Where a Grievance Process involves more than one Complainant or more than one Respondent, references in this Policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

I. Remedies and Disciplinary Sanctions

The District will take appropriate and effective measures to promptly remedy the effects of sexual harassment. The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appropriate remedies will be based on the circumstances and may include, but are not limited to:

1. Providing an escort to ensure that the Complainant and Respondent can safely attend classes and school activities;
2. Offering the parties school-based counseling services, as necessary;
3. Providing the parties with academic support services, such as tutoring, as necessary;
4. Rearranging course or work schedules, to the extent practicable, to minimize contact between the Complainant and Respondent;
5. Moving the Complainant's or the Respondent's locker or work space;
6. Issuing a "no contact" directive between the Complainant and Respondent;
7. Providing counseling memoranda with directives or recommendations.

These remedies may also be available to any other student or person who is or was affected by the sexual harassment.

The District will impose disciplinary sanctions consistent with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts. Discipline may range from warning or reprimand to termination of employment, or student suspension or expulsion.

After a determination of responsibility, the Title IX Coordinator should consider whether broader remedies are required, which may include, but are not limited to:

8. Assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;
9. Additional staff training;
10. A climate survey; or
11. Letters to students, staff, and parents/guardians reminding persons of their obligations under this Policy and applicable handbooks.

If the Complainant or Respondent is a student with a disability, the District will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the Complainant or Respondent continues to receive a free appropriate public education. Any disciplinary action taken against a Respondent who is a student with a disability must be made in accordance with Policy 5206B and the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.

J. False Statements

Any person who knowingly makes a materially false statement in bad faith during a Title IX investigation will be subject to discipline, up to and including discharge or permanent expulsion. A dismissal or determination that the Respondent did not

violate this Policy is not sufficient, on its own, to conclude that a person made a materially false statement in bad faith.

K. Confidentiality

The District will keep confidential the identity of a person who reports sexual harassment or files a Formal Complaint, including parties and witnesses, except as permitted or required by law or to carry out any provision of this Policy, applicable regulations, or laws.

L. Retaliation

Retaliation (e.g., intimidation, threats, coercion) for the purpose of interfering with a person's rights under Title IX is prohibited. This prohibition applies to retaliation against any person who makes a report, files a Formal Complaint, or participates in, or refuses to participate in a Title IX proceeding. Complaints alleging retaliation may be pursued in accordance with District Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Section.

When processing a report or Formal Complaint of sexual harassment, pursuing discipline for other conduct arising out of the same facts or circumstances constitutes retaliation if done for the purpose of interfering with that person's rights under Title IX.

Any person who engages in retaliation will be disciplined in accordance with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, and individual employee contracts.

M. Training

All District employees must be trained on how to identify and report sexual harassment.

Any person designated as a Title IX Coordinator, Investigator, Decision-Maker, Appeals Officer, or any person who facilitates an informal resolution process must be trained on the following:

1. The definition of sexual harassment;
2. The scope of the District's education programs or activities;
3. How to conduct an investigation and the District's grievance process, including, as applicable, hearings, appeals, and informal resolution processes; and
4. How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Investigators must receive training on how to prepare an investigation report as outlined in Subsection F(4)(b) above, including, but not limited to, issues of relevance.

Decision-Makers and Appeals Officers must receive training on issues of evidence and questioning, including, but not limited to, when questions about a Complainant's prior sexual history or disposition are not relevant.

Any materials used to train District employees who act as Title IX Coordinators, Investigators, Decision-Makers, Appeals Officers, or who facilitate an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints. These training materials must be posted on the District's website.

N. Record Keeping

The District will maintain records related to reports of alleged Title IX sexual harassment for a minimum of seven years. This retention requirement applies to investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, such as supportive measures.

The District will also retain any materials used to train Title IX Coordinators, Investigators, Decision-Makers, Appeals Officers, and any person designated to facilitate an informal resolution process.

O. Office for Civil Rights

Any person who believes that he or she was the victim of sexual harassment may file a complaint with the Office for Civil Rights (OCR) at any time:

U.S. Department of Education Office for Civil Rights
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
Phone: (216) 522-4970
E-mail: OCR.Cleveland@ed.gov

An OCR complaint may be filed before, during, or after filing a Formal Complaint with the District. A person may forego filing a Formal Complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to sexual harassment also file a Formal Complaint with the District to ensure that the District is able to take steps to prevent any further harassment and to discipline the alleged perpetrator, if necessary. OCR does not serve as an appellate body for District decisions under this Policy. An investigation by OCR will occur separately from any District investigation.

Legal authority: Education Amendments Act of 1972, 20 USC §§1681 - 1688; 34 CFR Part 106

Date revised:

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3200 Finance and Borrowing

3201 Accounting

A. Financial Accounting

1. The District will maintain complete financial accounting records using the charts of accounts approved and published by MDE. The District will implement an accounting system as prescribed by MDE and the Michigan Public School Accounting Manual (Bulletin 1022).

2. The District's fiscal and accounting year will begin each year on July 1.

3. The District will have a certified public accountant audit its financial records at least annually.

B. Pupil Accounting

The District will implement a pupil accounting system in compliance with the State School Aid Act and as prescribed by MDE's Pupil Accounting Manual.

Legal Authority: MCL 380.622, 380.1133, 380.1281, 380.1284; MCL 388.1606, 388.1613, 388.1618, 388.1701; Mich Admin Code R 340.1 et seq., 340.851 et seq.

Date revised:

3202 Budgets and Truth in Budgeting/Taxation Hearings

The Board must annually adopt a budget for each fund of the District to support District programs and services for the ensuing fiscal year. The Superintendent will be responsible for developing the budgets subject to the Board's direction and decisions. The budget documents will be updated based upon the requirements of the adopted educational programs.

A. Budget

1. The Superintendent will prepare each proposed budget in accordance with Board policies and goals and state law. Each budget will be based on up-to-date revenue estimates and will reflect the assessed needs and programs approved by the Board.

2. The Board must adopt each budget by June 30 of each year.

3. As circumstances change through the course of the fiscal year, the Superintendent will bring recommended budget amendments to the Board for review and adoption.

4. Within 15 days after the Board adopts a budget or any amendment to a budget, the Superintendent or designee will make the budget or amended budget available through a link on the District's website homepage.

5. The Board's goal is to maintain an annual general fund balance of at least 15% of estimated expenditures.

B. Truth In Budgeting Hearing

1. The Board must hold a public hearing on the proposed budgets before adopting the budgets. The Superintendent or designee must give notice of the public hearing by publication in a newspaper of general circulation within the District at least 6 days before the hearing. The notice must:

   - include the time and place of the hearing;
   - state that the proposed budget(s) is available for public inspection at the District's administrative offices; and
   - include the following statement printed in 11-point boldfaced type:

The property tax millage rate proposed to be levied to support the proposed budgets will be a subject of this hearing.

2. The Board must consider and adopt the budgets within 10 days after the public hearing in accordance with state law.

C. Truth in Taxation Hearing

If additional District operating millage, including special education and vocational education millage, is approved by the electorate after the District holds the public hearing on the proposed budgets and the District intends to levy such additional millage for the first time before the next fiscal year's public hearing on the proposed budgets, the Board must hold a separate public hearing on the proposed levy of such additional millage. The Superintendent or designee must give notice of the public hearing by publication in a newspaper of general circulation within the District at least 6 days before the hearing, which notice must state the time and place of the hearing and the proposed additional millage. The Board must approve the levy of the additional millage within 10 days after the public hearing in accordance with state law.

Legal authority: MCL 141.411 et seq., 141.421 et seq.; MCL 211.24e

Date revised:

3203 Deposits

The Board, or a District official designated by Board action, will deposit District funds in a financial institution or in a joint investment authorized by Revised School Code Section 1223. The deposit will be made in the name of the Treasurer as an officer of the District. The Board will designate the financial institution(s) in which District funds will be deposited. The Treasurer or designee will deposit District funds in 1 or more depositories in the proportion and manner determined by the Board. District funds will not be deposited or invested in a financial institution that is not eligible to be a depository of surplus funds belonging to the state under MCL 21.146.

"Deposit" includes purchases of, or investment in, shares of a credit union.

"Financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the U.S. government and which maintains a principal office or branch office located in Michigan under the laws of the United States.

Legal authority: MCL 21.146; MCL 211.43b; MCL 380.1221, 380.1222, 380.1223

Date revised:

3204 Investment of Funds

If authorized by Board resolution, the Treasurer or the superintendent and/or designee, as the Treasurer's designee (individually or collectively, the "Investment Officer"), will invest District funds, including the District's debt retirement funds, building and site funds, building and site sinking funds, and general funds. Such investments must be made only in investments itemized and described in Revised School Code Section 1223.

A. Authority of Investment Officer

   The Investment Officer may take security in the form of collateral, surety bond, or another form for District deposits or investments in a financial institution; however, a U.S. government or federal agency obligation repurchase agreement must be secured by transfer of title and custody of the obligations to which the repurchase agreement relates and an undivided interest in those obligations must be pledged to the District for that agreement.

B. Combining Funds for Investment

   1. The Investment Officer may combine the District's debt retirement funds for investment purposes into a single common fund to the extent the bonds associated with such debt retirement funds are of a similar character (e.g., voted bond debt retirement funds may be aggregated for investment but voted and non-voted bond debt retirement funds may not).

2. For all other funds, the Investment Officer is authorized to combine money from more than 1 fund for investment purposes.

3. Investment earnings shall accrue to the fund for which the investment was made. In the event of combined funds for investment purposes, the earnings shall be accounted for separately and the investment earnings shall be separately and individually computed, recorded, and credited to the fund for which the investment was made.

The Investment Officer is authorized to manage and invest deferred compensation program funds as provided in Revised School Code Section 1223.

Legal authority: MCL 21.146; MCL 141.2705; MCL 380.1223

Date revised:

3205 Disbursements

C. A person authorized by the Board to draw upon District depository funds may sign and validate a warrant, check, and other instruments to draw upon such funds.

D. Petty Cash

1. The Board may authorize a separate petty cash fund for any District building for the purchase of materials, supplies, services, or other school related goods and services in circumstances requiring immediate payment. The amount of each petty cash fund will not exceed $400.

2. Petty Cash Fund Custodians: The following persons will be the custodians of each petty cash fund and will administer and be responsible for the funds:

   a. Elementary School: Building secretary

   b. Middle School: Building secretary

   c. High School: Building secretary

   d. District Office: Building secretary

3. Petty cash fund disbursements may only be made if authorized by the Superintendent or appropriate petty cash fund custodian.

4. Documentation: All petty cash fund disbursements will be supported by an itemized receipt or other sufficient evidence that documents the expenditure. The itemized receipt or supporting documentation will include the name and contact information of the business receiving the payment, the date, a description reasonably sufficient to identify each item purchased, the purpose of the purchase, and the price. Petty cash fund custodians will maintain the

documentation as required by law. Expenses must be assigned to the proper budget account.

5. Purchase Review Procedures: The Superintendent or designee will review petty cash fund expenditures with the Treasurer at least monthly. Any unlawful or unauthorized expenditure or other significant discrepancy will be brought to the attention of the Board and the offending person.

6. Reconciliation and Closeout: Each petty cash fund will be reconciled by the Treasurer, or another District official designated by the Board, and closed out at the end of the fiscal year.

E. District funds or other "public funds" (as defined in Revised School Code Section 1814) under the control of the District may not be used to purchase the following:

- alcoholic beverages;
- jewelry;
- gifts;
- fees for golf; or
- any item the purchase or possession of which is illegal.

F. Public funds may be used to purchase the following to recognize an employee, volunteer, or student, if the value of the purchase does not exceed the annually adjusted amount established for that purpose by MDE:

- plaque;
- medal;
- trophy; and
- other awards.

G. The Superintendent or Board designee will keep records of receipts and disbursements and identify the sources from which they have been paid as required by law.

H. A person who misuses District funds or violates this Policy may be subject to discipline, including reimbursing the District for any unauthorized purchase.

Legal Authority: MCL 380.1814

Date revised:

3206 Property Tax Levies

A. General

1. The Board will identify, before the end of each fiscal year as part of the budget approval process, taxes that have been previously authorized by District electors. Of those taxes, the Board will determine which will be levied in the subsequent fiscal year and the applicable levy rate.

2. The Superintendent or designee will identify all taxes to be levied and the applicable levy rate in the documents filed with the relevant county(ies) necessary to collect those taxes within the District's geographic boundaries.

B. New Millage

1. If District electors authorize new millage and the Board determines to levy the new millage in the current fiscal year, the Superintendent or designee must file amendments to the previously filed tax allocation documents with the relevant county(ies) necessary to collect those new taxes.

2. If required by law, the District must hold a truth in taxation hearing in compliance with Policy 3202 before levying any new millage.

C. Summer Tax Levy

If the Board has previously determined to levy half or all of the District's property taxes on July 1 of each year, then the Board must adopt a continuing resolution on or before December 31 of each calendar year to continue to levy summer property taxes in the subsequent calendar year in the same proportion previously determined by the Board.

Legal authority: MCL 380.1611-1613

Date revised:

3207 School Activities Fund

A. Fiduciary Funds

A fiduciary fund is a fund held by the District, in its discretion, in a trustee or agency capacity, for a purpose within the scope of the District's legal authority. A fiduciary fund cannot be used by the District to support its operations. All District fiduciary funds must comply with generally accepted accounting principles and be held in accordance with the standards adopted by MDE in the Michigan Public School Accounting Manual (Bulletin 1022). A fiduciary fund may be a Custodial Fund or a Private-Purpose Trust Fund. For purposes of this Policy, capitalized terms not defined in this Policy are defined in Bulletin 1022.

1. Activity Funds

The District may not use an activity fund as defined by GASB Statement No. 84 and adopted by Bulletin 1022.

2. Custodial Funds

A Custodial Fund may be used only to hold assets and issue payments for a non-District Custodial Fund beneficiary. A Custodial Fund may be maintained if the account:

a. does not contain the District's sole source revenue, such as state and federal aid, tax collections, and non-exchange transactions;

b. does not designate the District as a beneficiary; and

c. is not subject to District control, including administrative or financial control.

3. Private-Purpose Trust Funds

A Private-Purpose Trust Fund (Private Trust) may be maintained as a fiduciary fund if:

a. a written, lawful trust agreement exists and is submitted to the District;

b. the trust assets are for a private purpose;

c. the District is not a beneficiary, directly or indirectly; and

d. the District does not have control, including administrative or financial control, or the ability to make decisions about trust assets.

Trust funds failing to meet the above requirements must be treated as a public purpose trust fund, subject to Policy 3201.

B. Scholarship Funds

1. Private Trust Scholarships

An individual, estate, support group, club, company, or other donor that desires to establish a trust fund to benefit persons through scholarships must meet the criteria for a Private Trust described above.

2. Compact Scholarships

Public funds may not be used to administer scholarships, except that the District may establish and administer a scholarship fund for its students or graduates to attend a postsecondary educational institution if the fund arises from a compact between the State of Michigan and a federally-recognized Indian tribe under the Indian Gaming Regulatory Act.

Legal authority: MCL 380.11a(3), 380.11a(14); MDE *Michigan Public School Accounting Manual (Bulletin 1022)*, as amended March 28, 2019; GASB Statement No. 84, *Fiduciary Activities* (January 2017)

Date revised:

3208 Intentionally Left Blank

3209 Debit/Credit Cards

The Board approves the use of a debit/credit card (credit card) program for the purchase of goods and services on behalf of the District. The Board will determine the type of credit card(s) used in the program and will contract with a third-party provider as provided by law. The Superintendent or designee is responsible for issuing credit cards to authorized users, accounting for and monitoring credit card usage, retrieving credit cards when appropriate, and generally overseeing compliance with this Policy. The total combined authorized credit limit of all credit cards may not exceed 5% of the District's budgeted expenditures for the applicable fiscal year.

A. Authorized Users

The Board may assign a credit card to an employee. An authorized credit card user is responsible for the protection and custody of the credit card and must immediately notify the Superintendent or designee if the credit card is lost or stolen. A person issued a credit card must return the credit card upon placement on administrative leave, disciplinary suspension, or termination of employment or service with the District.

B. Authorized Purchases

An authorized user may use a credit card to charge actual, necessary, and reasonable expenses in connection with official District business.

C. Documentation

An authorized user must submit to the Superintendent or designee an itemized receipt. The itemized receipt must include the name of the business, the date of purchase, a description of each item and its purpose, and the price. A non-itemized receipt alone is not sufficient.

D. Suspension or Termination of Privileges

The Superintendent or designee may suspend or terminate the credit card privileges of any person who violates this Policy or for any other lawful reason. The person must promptly return the credit card to the Superintendent or designee. A person who misuses a credit card or violates this Policy may be subject to discipline, including discharge and reimbursing the District for any unauthorized purchase.

E. Reward Points or Rebates

Any reward points, rebates, or other benefits received from a third-party credit card company are the District's property.

F. Purchase Review Procedures

The Superintendent or designee will conduct an independent review of credit card expenses, or a sample of these expenses, on a monthly basis. Any unlawful or unauthorized expenditure or other discrepancy will be brought to the credit card user's attention. Upon request, the Superintendent or designee must provide the Board with the documentation submitted pursuant to this Policy or a summary of that documentation with a description sufficient to give the Board reasonable notice of the items purchased. The outstanding balance, including interest, will be paid by the District within 60 days after the initial statement date.

Legal authority: MCL 129.241 et seq.; MCL 380.1254; MCL 750.491

Date revised:

3210 Borrowing

A borrowing is the taking of money with an agreement to repay it with or without interest. The Board must initiate and authorize all borrowing, except credit card borrowing under Policy 3209, by resolution. All borrowed amounts will conform to legal debt limits and be for the purposes prescribed by state law. The Superintendent or designee must consult with the District's finance counsel for all District borrowings covered by this Policy.

Legal authority: MCL 123.721 et seq.; MCL 380.1225, 380.1351, 380.1351a; MCL 141.2101 et seq.

Date revised:

3211 Post-Issuance Tax Compliance

A. Policy

Federal tax law requires that issuers of outstanding tax-exempt or tax credit debt obligations ("Obligations") comply with certain post-issuance requirements in the Internal Revenue Code (IRC) and Treasury Regulations. Obligations include, but are not limited to, tax-exempt bonds, refunding bonds, tax credit bonds, installment and lease purchase agreements, lines of credit, state aid notes, and tax anticipation notes.

B. Policy Implementation

To preserve the tax-exempt or tax credit status of the Obligations and to comply with federal tax law after Obligations have been issued, the Board authorizes the Superintendent or designee to establish administrative guidelines in connection with Obligations to comply with federal tax law.

C. Designation of Debt Compliance Officer

The District's chief business official will be the debt compliance officer responsible for implementing this Policy ("Debt Compliance Officer"). In the absence of a chief business official, the Superintendent or designee will serve as the Debt Compliance Officer until a replacement Debt Compliance Officer is assigned. The Superintendent will ensure that a person serves in this position at all times. If the District contracts with a third party for business services, including another school district, the Superintendent or designee remains responsible for the oversight of the third-party Debt Compliance Officer.

D. Responsibilities of Debt Compliance Officer

The Debt Compliance Officer will be responsible for administration and oversight of post-issuance tax compliance requirements and other provisions of this Policy related to the District's Obligations, including implementation and compliance with remedial action procedures outlined below. The Debt Compliance Officer's responsibilities will include:

1. Overseeing and managing compliance with federal rules and regulations applicable to post-issuance tax compliance for all outstanding Obligations from the date of issuance through the date of maturity of such Obligations, including any refunding Obligations related to the original issuance of debt;

2. Consulting with bond counsel, financial advisors, and other professionals about non-compliance, if any, and required remedial actions as necessary;

3. Maintaining written records of expenditures and investments of Obligations in accordance with subsection G;

4. Supervising and ensuring timely filings of reports and forms required by state and federal agencies related to Obligations;

5. Providing written documentation and other requested disclosures, including to the District's bond counsel, financial advisors, and other professionals, upon request;

6. Monitoring arbitrage, yield restriction, and rebate requirements under IRC Section 148. This duty includes monitoring compliance with 6-month, 18-month, or 2-year spending exceptions, as applicable; and

7. Monitoring all record retention requirements and oversee compliance with record retention requirements set forth in this Policy.

E. Internal Written Procedures and Protocols

1. The Debt Compliance Officer will develop written internal controls and procedures related to post-issuance tax compliance that address at least the following:

    a. Identifying and reporting non-compliance, including protocols for contacting bond counsel and financial advisors;

    b. Monitoring compliance with arbitrage, yield restriction, and rebate requirements under IRC Section 148; and

    c. Monitoring and tracking the use of bond-financed or refinanced assets, including identifying non-compliance and taking appropriate remedial action in accordance with Treasury Regulation 1.141-12.

2. Internal procedures and controls will provide for detailed written guidelines to be used for the purpose of identifying potential non-compliance. If non-compliance is confirmed, the Debt Compliance Officer will take immediate action to report and resolve non-compliance in accordance with the District's internal procedures and federal law and regulations.

F. Periodic Compliance Review

1. Annual Review. The Debt Compliance Officer will conduct an annual review of District records related to outstanding Obligations to ensure that such records, including tax documentation, are adequately maintained.

2. Periodic Review. The Debt Compliance Officer will review and update District records, including tax documentation, related to an Obligation upon the occurrence of any of the following events:

    a. The retirement, defeasance, or refunding of an Obligation; and

    b. Upon the sale, re-purposing, change in use, or refinancing of property purchased with outstanding Obligations that remain outstanding.

G. Record Retention

The District will maintain detailed written records of all expenditures and investments of Obligations for the life of the Obligation, which will be maintained until final maturity. With respect to bond issues, the District will maintain records of all expenditures and investments for the life of the bonds, including any subsequent refunding bonds, plus 3 years.

H. Training and Education

The District will provide, at its cost, training for the Debt Compliance Officer. The Debt Compliance Officer will complete training at least. Annual training may be provided to additional personnel who assist the Debt Compliance Officer.

Legal Authority: IRC 148; Treasury Regulation 1.141-12

Date revised:

3212 Post-Issuance Disclosure Compliance

In connection with the District's issuance of securities that are subject to the requirements of Securities and Exchange Commission Rule 15c2-12 ("Bonds"), the District may be subject to a continuing disclosure undertaking or agreement ("CDA") to disclose certain information after issuance of Bonds. A CDA may be found in the Bond issue's transcript of proceedings.

The chief business official ("Compliance Officer") will be responsible for establishing and coordinating compliance with this Policy.

If the Board determines that compliance with this Policy in a particular situation would impose an unreasonable burden on the District, it may forego compliance with the advice of bond counsel.

A. The Compliance Officer

1. The Compliance Officer will:

   a. monitor and verify compliance with the CDAs; and

   b. create and maintain an inventory of the District's outstanding financial obligations.

      i. A financial obligation means:

         - a debt obligation or a guarantee of a debt obligation; or

         - a derivative instrument entered into in connection with, or pledged as security or a source of payment for, existing or future debt obligations or a guarantee of such derivative instrument.

      ii. Financial obligation does not include any municipal security for which a final official statement has been provided to the Municipal Securities Rulemaking Board pursuant to Rule 15c2-12.

2. The District, at its cost, will provide the Compliance Officer with training and educational resources necessary to ensure compliance with the CDAs.

3. The Compliance Officer has authority to seek guidance from the District's bond counsel and financial advisors to comply with the CDAs.

B. Review of Offering Materials

When the District issues Bonds, the Compliance Officer will review the preliminary official statement, final official statement, and other applicable offering materials to ensure they do not:

1. contain any untrue statement of a material fact; or
2. omit any material fact that would need to be included to make the statements not misleading.

C. Post-Issuance Obligations

1. The Compliance Officer will review continuing disclosure requirements before each annual disclosure deadline.
2. The Compliance Officer's annual review will include ensuring the following information, where applicable, is reported to the proper repository (as of the date of adoption of this Policy, the repository is the Electronic Municipal Market Access website of the Municipal Securities Rulemaking Board at http://www.emma.msrb.org):
   a. by December 27 of each year (unless the deadline differs in an applicable CDA):
      i. audited financial statements for the most recently ended fiscal year in compliance with state laws, administrative rules, and generally accepted accounting principles applicable to the District as such principles are prescribed, in part, by the Financial Accounting Standards Board and modified by the Government Accounting Standards Board; and
      ii. additional annual financial information and operating data set forth in the respective CDA or in the respective official statement for a particular Bond issue under the heading "CONTINUING DISCLOSURE" or similar heading.
   b. notice of certain reportable events, subject in some cases to a determination of materiality by the District, within 10 business days after the occurrence. See each CDA for the respective list of events, which typically includes the following:
      - non-payment related defaults, if material;
      - modifications to rights of bondholders, if material;
      - bond calls, if material;
      - release, substitution, or sale of property securing repayment of the Bonds, if material;
      - the consummation of a merger, consolidation, or acquisition, or certain asset sales involving the District, or entry into or termination of a definitive agreement relating to the foregoing, if material;
      - appointment of a successor or additional trustee or the change of name of a trustee, if material;

- incurrence of a financial obligation by the District, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the District, any of which affect security holders, if material;
- principal and interest payment delinquencies;
- unscheduled draws on debt service reserves reflecting financial difficulties;
- unscheduled draws on credit enhancements reflecting financial difficulties;
- substitution of credit or liquidity providers, or their failure to perform;
- defeasances;
- credit rating changes, including the District's underlying rating or an enhanced rating on the Bonds due to credit enhancement;
- adverse tax opinions or events affecting the status of the Bonds, the issuance by the IRS of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material events, notices, or determinations as to the tax status of the Bonds;
- tender offers;
- bankruptcy, insolvency, receivership, or similar event of the District; and
- default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the District, any of which reflect financial difficulties.

c. If the District retains a third party to assist the District with fulfilling its continuing disclosure responsibilities under any CDA, the Compliance Officer will annually review the contract and verify that the third party has fulfilled all of the District's continuing disclosure responsibilities.

Legal authority: 17 CFR 240.15c2-12; MCL 380.1351a

Date revised:

3213 Electronic Transactions of Funds and Automated Clearing House Arrangements

The District may engage in electronic transactions of funds and automated clearing house arrangements in accordance with this Policy.

A. Definitions

1. “Automated clearing house” or “ACH” means a national and governmental organization with authority to process electronic payments, including the National Automated Clearing House Association and the Federal Reserve System.

2. “ACH arrangement” means an agreement between the originator and the receiver of an ACH transaction.

3. “ACH transaction” means an electronic payment, debit, or credit transfer processed through an ACH pursuant to an authorized ACH arrangement.

4. “Electronic transactions officer” or “ETO” means the chief business official or another person designated by the Board to have the rights and responsibilities of the ETO set forth in this Policy.

B. ACH Arrangements and Transactions

Only the ETO may enter into an ACH arrangement. The assistant business official or another employee designated by the ETO (ACH Supervisor) will be responsible for the District’s ACH transactions, including payment approval, accounting, reporting, and overseeing compliance with this Policy.

C. Internal Auditing Controls

1. The ACH Supervisor and ETO will each separately review and approve in writing all incoming and outgoing payments. Written approvals will be retained in accordance with usual District procedures.

2. For outgoing payments, the ACH Supervisor will document:

   a. the goods or services purchased;

   b. the cost of the goods or services purchased;

   c. the date of the payment; and

   d. the department serviced by the payment.

This documentation can be contained in the District’s electronic general ledger software system or in a separate report to the Board.

Legal authority: MCL 124.301 et seq.

Date revised:

3300 Facilities, Real, and Personal Property

3301 Purchasing and Procurement

This Policy applies to all purchases of materials, supplies, and equipment. Purchases acquired through lease financing are governed by this Policy, but true leases (i.e., rental agreements) are not.

A. Responsibility for Purchasing

The District's administration, under the Superintendent's supervision, may purchase items for the District, subject to any parameters established by the Board.

B. When Competitive Bidding is Required

1. The District must competitively bid the purchase of an item or group of items costing an amount equal to or greater than the then-current state bid threshold published annually by MDE.

2. The District does not need to competitively bid a purchase in an emergency or if competitive bidding is not required by law.

3. The District will not artificially segregate purchases into smaller orders to avoid the bid threshold.

C. Bidding Procedure

1. The District may competitively bid a purchase using 1 or more of the following methods:

a. Requesting written price quotations from at least 3 known and practical vendors of an item;

b. Distributing a request for proposals to at least 3 known and practical vendors of an item;

c. Posting a request for proposals on the District's website or any other website that regularly informs vendors of bid opportunities;

d. Selecting a contract awarded to a winning bidder under a bid process operated by a reputable bid cooperative if the District determines, after reasonable due diligence, that the bid procedure used by the bid cooperative was fair and open, resulted in a bid award to the lowest responsible bidder, and the contract price is comparable to current market rates for the purchased item; or

e. Any other process, in the Superintendent's or designee's discretion, that is likely to result in at least 3 known vendors providing bids for the item sought, regardless of whether at least 3 bids are actually received.

2. Each bidder responding to a request for proposals must certify that it is not an Iran-linked business as defined by MCL 129.312.

3. Awarding Bids

a. If competitive bidding is required by law, any contract must be awarded by the Board to the lowest responsible bidder.

b. In determining bidder responsibility, the District may take 1 or more of the following into account:

- The District's experience with the bidder;
- Others' experience with the bidder;
- The bidder's history of satisfactory performance or questionable litigation, protests, or disputes;
- The bidder's capitalization and solvency;
- The length of time the bidder has been engaged in its business;
- The recommendation of the District's professional consultants; and
- Any other factor consistently and lawfully applied.

c. In any bid procedure, the District reserves the right to reject any or all bids or waive any informalities or irregularities in the bid process.

4. Michigan-Based Business Preference

a. The District may give up to a 10% preference to a bidder that is a Michigan-based business as defined by MCL 18.1268.

b. The Michigan-based business preference will not apply if federal funds are used for the purchase.

D. Purchases Using State Aid Act Funds

1. The District will not use state aid to purchase foreign goods or services if American goods or services are available, competitively priced, and of comparable quality.

2. The District will give a preference to goods or services manufactured or provided by Michigan businesses if competitively priced and of comparable quality.

3. The District will give a preference to goods or services manufactured or provided by Michigan businesses owned and operated by veterans if competitively priced and of comparable quality.

E. Purchases Using Federal Funds

Purchases made with federal funds and subject to the federal Uniform Grant Guidance are also governed by Policy 3301A.

Legal authority: 2 CFR 200.1 et seq.; MCL 129.311 et seq.; MCL 380.1274; MCL 388.1764c

Date revised:

3301A Purchasing and Procurement with Federal Funds

This Policy applies to purchases of property and services with federal funds that are subject to the Uniform Grant Guidance. All terms in this Policy have the same meanings as defined in federal regulation (2 CFR 200.1-99).

A. State Law Requirements Still Apply

Bidding requirements under Policy 3301 and Policy 3306, as applicable, remain enforceable in addition to any requirements in this Policy.

B. Procurement Methods

When bidding is required, the District must use 1 of the following procurement methods that includes information sufficient to inform all potential bidders about the District's technical, service, and bid procedure requirements:

1. Purchases up to $10,000 (micro-purchases)

   a. To the extent District administration determines that the cost of the purchase is reasonable, micro-purchases may be made or awarded without bidding in accordance with this Policy. For purposes of this subsection, "reasonable" means the purchase is comparable to market prices for the geographic area.

   b. To the extent practicable, the District will distribute micro-purchases equitably among qualified suppliers.

2. Purchases between $10,000 and $250,000 (small purchase procedures)

   The District will use a bidding procedure in Policy 3301 subsection C.1., except that the District may use the bidding procedure in subsection B.1.a, above, for purchases up to the then-current state bid threshold published annually by MDE if the District satisfies the annual certification requirements of 2 CFR 200.320(a)(1)(iv).

3. Purchases over $250,000

   a. The District must either receive sealed bids through formal advertising or prepare a comprehensive request for proposals and submit it to at least 5 sources.

   b. With either method, the District will perform a price analysis, making an independent estimate of costs before receiving bids.

C. The District will take affirmative steps to assure that minority-owned businesses, women's business enterprises, and labor surplus area firms are included in bidding opportunities.

D. A person may protest the veracity, conformity, or eligibility of a bid. The District will handle bid protests as follows:

1. Within 48 hours of the time bid results are available, the protesting person will submit a written protest to the Superintendent describing in detail the nature of the protest;

2. The Superintendent or designee will review the written protest, and the Superintendent may bring it to the Board's attention in the Superintendent's discretion; and

3. A person's failure to file a protest as described above is an irrevocable waiver of the bid protest.

Nothing in this Policy reduces or eliminates the District's rights or protections afforded under the law.

E. The District will retain all bids and formal bid solicitation documents for a period of 6 years after the bid opening date, or longer if required by law.

Legal authority: 2 CFR 200.1 et seq.

Date revised:

3302 Acquisition of Real Property

The Board may acquire real property for any purpose and through any means permitted by law.

A. Acquisition costs must be reasonable, as determined by the Board. Reasonable cost may not be the same as fair market value.

B. Subject to Board parameters and legal review, the Superintendent may obtain, negotiate, modify, and execute transaction documents for any Board-authorized acquisition of real property.

C. The Board may meet in closed session to discuss the purchase or lease of real property as permitted by law.

D. When title to real property is acquired, the District should provide written notice via registered mail to the local tax assessor by December 31 of the year of acquisition that the property will be tax-exempt.

Legal authority: MCL 15.268; MCL 207.501 et seq., 207.521 et seq.; MCL 380.553, 380.1225, 380.1351 et seq.; MCL 565.351 et seq.

Date revised:

3303 Gifts and Donations

The Board recognizes and appreciates the generosity and support it receives in the form of gifts, donations, and voluntary contributions ("Donations") from individuals, companies, parent/guardian support groups, the community, and other donors.

The District requests that substantial Donations be accompanied by Form 3303-F Gifts and Donations. All Donations made for a particular purpose must be accompanied by Form 3303-F.

A. Accepting Donations

1. Donations must be lawful and support an educational purpose.

2. Donations accepted by the District will become public funds or public property unless an exception is provided under applicable law.

3. The Board authorizes the Superintendent or designee to accept Donations of personal property on behalf of the Board with an estimated fair market value of $499,999 or less. The Board retains authority, in its discretion, to accept Donations of personal property exceeding $499,999.

4. The Board must approve all Donations of real property, regardless of value.

5. Donations accepted by the District will be used for any specific purpose identified by the donor provided the purpose is lawful and consistent with the District's interests and objectives. A donor may identify the specific purpose of the Donation and any other lawful conditions using the District 3303-F.

6. Except as required by law, the District does not have an obligation to replace a Donation that is lost, destroyed, or becomes obsolete.

B. Soliciting Donations

1. The District may solicit donations in accordance with law, which may include pursuing an exemption from registration under the Charitable Organizations and Solicitations Act.

2. Any individual wishing to solicit donations on behalf of the District must obtain prior written approval from the Superintendent or designee before representing any affiliation with the District. Unless otherwise agreed by the Superintendent or designee, the individual will be responsible for all costs and liability related to the solicitation and all received donations will become the District's property.

C. Scholarships are governed by Policy 3207.

D. A donor is solely responsible for any tax consequences related to a Donation.

Legal authority: MCL 123.905; MCL 400.271, et seq.

Date revised:

3304 Use of District Property

A. Definitions

1. "Non-curricular education group" means a non-student group comprised of a substantial number of District students organized for the general benefit of students, such as Boy Scouts, Girl Scouts, 4-H, and other similar groups.

2. "Non-student group" means any group or persons, other than a student group, who requests to use District facilities and are supervised by at least 1 adult responsible for the group.

3. "Student group" means 1 or more students participating in District-sponsored curricular or extracurricular activities supervised by District personnel, such as an athletic team, student council, academic team, or student club.

B. General Facilities Use Guidelines

1. Rental fees for District facilities and equipment will be set by the Superintendent or designee.

2. Any person or group using District facilities must maintain order and safety, protect property, and restore the facilities to their condition before use.

3. The District may seek reimbursement from a user of its facilities for any costs the District incurs in opening, restoring, or cleaning such facilities.

4. The Superintendent or designee may deny a request to use the District's facilities or equipment if the Superintendent or designee believes that the person or group does not have sufficient financial resources to cover costs required by this Policy or is unwilling to pay them.

5. No person or group using District facilities under this Policy may charge a fee for admission or parking unless approved in writing in advance by the Superintendent or designee.

6. Any person or group using the District's facilities for any purpose must comply with all applicable laws, Board Policies, rules, and regulations.

7. For a non-student group that wishes to use a facility, a supervising adult must submit a written facility use request to the Superintendent or designee. The request, applicable rental fee, and other required documents must be received by the Superintendent or designee before any facility use will be considered. The supervising adult assumes primary responsibility for complying with subsection B.2.

8. Leasing District property is addressed in Policy 3305.

C. Use of District Facilities by Student Groups

1. The applicable building principal may determine the time and place of a student group's use of available District facilities.

2. Student groups may use available District facilities without charge.

3. The District may bear any costs associated with use by a student group (e.g., fees paid to a cook or a custodian).

4. Student groups have priority to use District facilities over non-student groups.

D. Use of District Facilities by Non-Student Groups

1. The Superintendent or designee may authorize or limit the use of District facilities by non-student groups consistent with this Policy and applicable law.

2. When any non-student group requests to use District facilities, the group may be required to provide proof of insurance, naming the District as an additional insured, with coverage acceptable to the Superintendent or designee.

3. Use must occur while the facility is available, with minimal interference to scheduled activities, custodians, or other student and personnel facility use.

4. The facility use will occur at times and places determined by the Superintendent or designee.

5. If non-student groups are authorized to use District facilities, the Superintendent or designee will prioritize their use in the following order:

   a. non-curricular education groups;

   b. community groups solely or jointly supporting the District (e.g., booster clubs, PTO);

   c. government organizations within the District's geographic boundaries;

   d. non-profit organizations whose activities are open to the general public and serve the community; and

   e. all other non-student groups.

   The Superintendent or designee has sole discretion to determine the classification of a non-student group.

6. The District's facilities are not public fora. Note: District may call legal counsel if concerned of a public fora.

7. Denial of access

a. The Superintendent or designee may reject a non-student group's request to use District facilities if the group's use of the facilities is for a commercial purpose. A booster club or other organization raising money purely for the support of a student group and not for personal profit is not considered a commercial purpose.

b. The Superintendent or designee may lawfully restrict, exclude, or impose conditions on a person inappropriately using District facilities or violating this Policy. A person who refuses to comply may be considered a trespasser.

E. Use of Specialty Facilities by Application and Agreement

1. The District permits non-commercial use of the following facilities by persons for their personal health and wellness: the Community Athletic Center and the outdoor community recreation courts and associated locker-room facilities (the "Specialty Facilities"). The District may authorize use of the Specialty Facilities on a monthly basis on conditions determined by the Superintendent or designee, which may include a waiver and use agreement.

2. A person using the Specialty Facilities must comply with applicable provisions of this Policy.

3. A person failing or refusing to abide by this Policy may lose the privilege of using the Specialty Facilities.

4. Users of Specialty Facilities acknowledge that they have reduced privacy rights while on District property and that lockers may be subject to search by District officials.

F. Using District Personal Property

1. A person may use District personal property for non-school use only with the prior permission of the Superintendent or designee.

2. The District may seek reimbursement from a user of its personal property for any costs the District incurs in repairing or replacing such personal property.

Date revised:

3305 Sale or Lease of District Property

The District may, in accordance with applicable law, sell, lease, or otherwise convey (each, a "transfer") its property, whether real or personal. Subject to Board parameters and legal review, the Superintendent may obtain, negotiate, or modify transfer documents for any Board-authorized transfer of District property.

A. The District may consider both solicited and unsolicited offers to transfer its property. The District may market its property through any lawful process, including employing a real estate broker, publicly listing the property for a specific price, soliciting bids, or holding an auction.

B. The Superintendent or designee will contact the District's financial advisor or legal counsel to investigate any tax consequences from the transfer of District property financed with tax-exempt obligations.

C. The District may only transfer its property in exchange for fair value, which value may be non-monetary. An appraisal may be obtained but is not required.

D. The District may not impose a deed or use restriction that is prohibited by law.

E. The transfer of District real property is exempt from transfer tax.

Legal authority: Const 1963, art 9, § 18; MCL 123.1045; MCL 207.505, 207.526

Date revised:

3306 Construction Bidding

The Board will comply with applicable laws and this Policy for the construction of a new school building or an addition to or repair or renovation of an existing school building (a "Construction Project").

A. When Competitive Bidding is Required

1. The District must competitively bid all labor and material for a Construction Project if the project cost exceeds the then-current state bid threshold published annually by MDE (the "Bid Threshold").

2. The District does not need to competitively bid a:

- Construction Project costing less than the Bid Threshold;
- contract for repair in emergency situations;
- repair normally performed by District employees; or
- professional consultant contract.

B. Bidding Procedure

1. If competitive bidding is required, the District must follow the bidding procedure prescribed by Revised School Code Section 1267 and award contracts to the lowest responsible bidder.

2. To determine whether a bidder is a responsible bidder, the District may consider the factors enumerated in Policy 3301 subsection C.3.b.

3. If competitive bidding is not required, the District may use any lawful means to procure contracts.

4. Each bidder must certify that it is not an Iran-linked business as defined by MCL 129.312.

C. Alternates

1. Bid specifications may require bidders to submit bids with mandatory alternates or allow bidders to submit voluntary alternates; provided, however, that no voluntary alternate may change the nature of the work.

2. The Board, in its discretion, may award bids based on allowable alternates.

D. Michigan Business Preference

For any Construction Project, the District may apply a preference to a Michigan-based business as described in Policy 3301 subsection C.4.

E. Construction Bidding Using State Aid Act Funds

The purchase of property and services made with state aid must comply with the requirements described in Policy 3301 subsection D.

F. Construction Bidding Using Federal Funds

The purchase of property and services made with federal funds subject to the Uniform Grant Guidance are also governed by Policy 3301A.

Legal authority: 2 CFR 200.1, et seq.; MCL 129.311 et seq.; MCL 380.1267; MCL 388.1764c

Date revised:

3307 Construction Administration

This Policy sets forth procedures and requirements for District building and site improvements. Bidding requirements for construction appear in Policy 3306.

A. Plan Review

1. Before commencing construction, the District, or an authorized agent on the District's behalf, will submit project plans and specifications to the Michigan Bureau of Construction Codes Plan Review Division.

2. Alternatively, the District may submit the plans and specifications to the applicable local building department if the Board and the municipality's

governing body have properly certified that full-time code officials, inspectors, and plan reviewers registered under the Skilled Trades Regulation Act will conduct plan reviews and inspections. In that situation, the District must also submit the plans and specifications to the Bureau of Fire Safety.

3. Reserved

4. Before the District commences new construction or major renovation of a school building or athletic facility, the Superintendent or designee will consult with the law enforcement agency that will be the first responder for that building or facility about safety issues.

B. Professional Consultants

1. If the total cost of a school building construction project will be $15,000 or more:

   a. a Michigan-licensed architect or professional engineer must prepare the plans and specifications; and

   b. a qualified person or firm must supervise construction as provided in MCL 388.851.

2. The District may hire a construction manager for any project. If the construction manager also performs construction, either directly or by assuming responsibility for the work of other contractors (e.g., construction manager as constructor):

   a. the construction manager may not supervise such construction under MCL 388.851; and

   b. the District must still bid the project as required by law.

C. Payment and Performance Bonds

1. For all contracts described in MCL 129.201 that exceed $50,000, the principal contractor must procure performance and payment bonds in accordance with law.

2. Unless the Superintendent or designee determines otherwise, the District requires payment and performance bonds to be 100% of the contract sum.

3. The responsibility for procuring payment and performance bonds rests solely with the contractor. The District has no duty to ensure that a contractor has procured a payment or performance bond.

Legal authority: MCL 129.201 et seq.; MCL 339.6001 et seq.; MCL 380.1263, 380.1264; MCL 388.851 et seq.

Date revised:

3308 Distribution of Printed Material and Advertising in School

District facilities may be used to advertise or distribute printed information for commercial or promotional purposes ("Advertisement") in accordance with this Policy. An approved Advertisement does not reflect the District's approval or endorsement of any product, organization, service, or issue referenced in the Advertisement. An Advertisement does not include public recognition or commemoration of District or student organization donors and sponsors.

A. General Restrictions on Advertisements

1. No Advertisement may:

   - violate law or Policy or urge a violation of law or Policy;
   - lie or mislead;
   - advocate the use, or advertise the availability, of tobacco (including e-cigarettes), alcohol, cannabis/marihuana, illegal drugs, or related paraphernalia;
   - contain a statement or image that describes or displays profanity, pornography, sexual activity, nudity, violence, serious injuries, or corpses;
   - incite violence or advocate the unlawful use of force;
   - invade a person's privacy;
   - violate a trademark, copyright, patent, or other intellectual property right;
   - include material inappropriate for the maturity level of the students exposed to the Advertisement; or
   - create a likelihood of a material and substantial disruption.

2. The District may regulate Advertisement content within legally permitted parameters.

3. The District may determine the size, location, and times of display of all Advertisements.

B. Student Group Advertisements

1. A student group is 1 or more students participating in District-sponsored curricular or extracurricular activities supervised by District personnel, such as an athletic team, student council, academic team, or student club.

2. A student group may use District facilities for that group's Advertisements with the prior approval of the applicable building principal or designee.

3. A non-student group Advertisement that appears within materials produced or distributed by a student group (e.g., yearbooks, student newspapers, and athletics or student club publications) is considered a non-student group Advertisement.

C. Non-Student Group Advertisements

1. A non-student group Advertisement is any Advertisement that is not considered a student group Advertisement or District speech.

2. A non-student group Advertisement must:

- include a statement explaining that the group is not affiliated with, or endorsed by, the District;
- receive prior approval from the Board [or Superintendent or designee]; and
- be subject to a written contract with the District describing each party's obligations and rights.

3. A non-student group Advertisement may not reference a political candidate or ballot question.

4. A non-student group Advertisement, if approved, is intended to generate revenue and does not create a forum for speech or expression.

D. School Bus Advertisements

1. An Advertisement may not appear on the exterior of a school bus.

2. The District may allow an Advertisement in a school bus interior to the extent consistent with MDE's "Advertising Inside School Buses" guidelines: https://www.michigan.gov/documents/mde/Advertising_Inside_School_Buses_325476_7.pdf. A school bus Advertisement is otherwise subject to the same restrictions and approval procedures as other Advertisements.

E. District Speech

An Advertisement does not include material used to promote, inform, or collect funds for a product or service the District uses or authorizes in the performance of its educational operations, regardless of whether the product or service is provided by a non-student group. That material is considered the District's speech. Examples include, but are not limited to, material distributed by District vendors whose products or services the District uses or encourages students or staff to use.

Legal authority: MCL 257.1833

Date revised:

3309 Bus Inspections

A. Each school bus used to transport students to or from school or school-related events must meet or exceed safety standards required by law.

B. The Michigan State Police or its authorized designee must inspect a new school bus before the District accepts delivery. The District may not accept delivery of a new school bus unless it passes inspection.

C. The Michigan State Police or its authorized designee must inspect each school bus annually. Use of a school bus may be approved, restricted, or prohibited based on the results of an inspection.

D. Any entity providing school bus services to the District may only use school buses that have passed inspection by the Michigan State Police.

Legal authority: MCL 257.1810, 257.1839, 257.1841, 257.1843

Date revised:

3400 School Safety and Security

3401 School Cancellation, Delay, and Early Dismissal

The Superintendent may close, delay, or dismiss school, and cancel or alter any school-related activities, to protect the health, safety, and welfare of students, employees, and others. The Superintendent will endeavor to timely and accurately notify persons affected by schedule alterations.

Date revised:

3402 Drills, Plans, and Reports

The Board will take reasonable steps to provide a safe and secure learning environment to protect students and employees.

A. Emergency Drills. The Superintendent or designee will schedule, notify, conduct, report, and post all fire, tornado, and other emergency drills as required by law.

B. Cardiac Emergency Response Plan. The Board will develop, adopt, and provide for annual review a cardiac emergency response plan as required by law.

C. Cooperation. The Superintendent or designee will act as liaison to work with the School Safety Commission and the Office of School Safety, including to identify model practices for determining school safety measures.

D. Safety and Emergency Plans. The Board will comply with the statewide school information policy, and the Superintendent or designee will provide all reports, information, and notices required by that policy. If the policy does not satisfy the requirements of Revised School Code Section 1308b(3), the Board will develop and adopt an emergency operations plan with public input and participation by at least 1 law enforcement agency having jurisdiction over the District. The statewide school information policy or the emergency operations plan, as applicable, will be reviewed every 2 years in conjunction with at least 1 law enforcement agency having jurisdiction over the District. The Board will notify MDE within 30 days after completing a required review.

E. Reporting Incidents of Crime. Each building principal will collect and update information at least weekly on incidents of crime in the applicable building. At least annually, the Board will post information on its website about incidents of crime in the District and will make this information available to parents and guardians on a per-building basis. Within 24 hours after an incident occurs, the Superintendent or designee will report to the Michigan State Police crimes and attempted crimes identified in MCL 380.1310a(2).

Legal authority: MCL 29.19; MCL 380.1241, 380.1308, 380.1308a, 380.1308b, 380.1310a

Date revised:

3403 Reporting Accidents

If a student suffers a serious physical injury while at school or while participating in a school-sponsored activity, District personnel, if aware of the injury, will promptly report the injury to the building principal or designee. If the student is a minor, the building principal or designee will promptly notify the student's parent(s)/legal guardian(s) and complete an accident report. See Policy 5702.

Date revised:

3404 Communicable Diseases

A person with a communicable disease will be restricted only to the extent necessary to prevent the transmission of the disease, protect the person's health and privacy rights, and protect the health and safety of others.

The Michigan Department of Health and Human Services maintains a list of reportable diseases and infections, including those capable of being transmitted to a person. The District will work cooperatively with the local health department to identify, report, and contain diseases and infections in accordance with applicable laws and local health department policies and guidance.

District personnel will immediately notify the Superintendent or applicable building principal when they reasonably suspect the presence of a listed communicable disease.

When it is reasonably suspected that a person has a communicable disease (except for AIDS or HIV infection), the Superintendent or building principal may exclude the person for a period sufficient to obtain a determination by a physician or local health officer as to the presence of a communicable disease.

A person excluded under subsection B may return to school and school-related activities when a physician or local health officer determines that the person does not represent a risk to others.

The Superintendent or applicable building principal will report to the local health department within 24 hours after suspecting either of the following:

The occurrence of a serious communicable disease listed by the Michigan Department of Health and Human Services (except for AIDS or HIV infection); or

The unusual occurrence, outbreak, or epidemic of any disease, infection, or condition within the District.

Reports, records, data, and other information associated with AIDS or HIV may be subject to heightened confidentiality requirements in accordance with MCL 333.5131.

Legal authority: MCL 333.5111, 333.5131; Mich Admin Code R 325.171-173, 325.175

Date revised:

3405 Bloodborne Pathogens

Bloodborne pathogens and other infectious body fluids can be transmitted through contact with skin, eyes, mouth, and mucous membranes, including by needle sticks, cuts, punctures, and bites. The District will observe universal precautions to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids will be considered potentially infectious materials.

The District will provide personal protective equipment, the hepatitis B vaccine and vaccination series, training, and post-exposure evaluations, as required by law, at no charge to employees whose duties are reasonably anticipated to result in occupational exposure to blood or other infectious materials.

“Bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. Those pathogens include hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Universal precautions" means a method of infection control that treats all human blood and other potentially infectious material as capable of transmitting HIV, HBV, and other bloodborne pathogens.

Legal authority: 29 CFR 1910.1030; Mich Admin Code R 325.70004

Date revised:

3406 Integrated Pest Management

The District will monitor, manage, and treat pests on District property.

A. Pest Application

1. The Board does not authorize the application of a pesticide on District property unless a written integrated pest management program is in place for that property. The Superintendent or designee will develop, evaluate, and modify site-specific integrated pest management programs in accordance with law.

2. The Board only authorizes the lawful application of a pesticide by a certified or registered applicator who has been properly trained. After the application of a pesticide, a person may only reenter District property in compliance with restrictions identified by the applicator and required by law.

3. A "pesticide" does not include sanitizers, germicides, disinfectants, or antimicrobial agents.

B. Notice

1. Within 30 days after the beginning of each school year, the Superintendent or designee will provide notice to students' parents/guardians that they will receive advance notice of the application of a pesticide.

2. Except in an emergency, the Superintendent or designee will provide at least 48 hours' advance notice to students' parents/guardians of the application of a pesticide. In an emergency, the Superintendent or designee will provide notice to students' parents/guardians promptly after a pesticide has been applied.

3. Notices will comply with methods, time frames, and information requirements established by MCL 324.8316.

4. Notices are not required for the application of a pesticide that is a bait or gel formulation.

C. Records

Each building will maintain a copy of its integrated pest management program. Records of pesticide use and other non-pesticide pest management practices will be maintained on site.

Legal authority: MCL 324.8316; Mich Admin Code R 285.637.1 et seq.

Date revised:

3407 Asbestos Management

The District will maintain an asbestos management plan for each school building and otherwise comply with the requirements of the Asbestos Hazard Emergency Response Act (AHERA) and related regulations.

A. Each asbestos management plan will address building inspections, re-inspections, preventative measures, periodic surveillance, response actions, operations and maintenance, notices, and other information required by law.

B. Each school building will maintain in its administrative offices a complete, updated copy of the asbestos management plan for that school building. The District's administrative offices will maintain complete, updated copies of asbestos management plans for all school buildings. The District will make asbestos management plans available for inspection without cost but may charge a reasonable amount to make copies.

C. The District will provide training and information, maintain records, and perform asbestos-related obligations with accredited persons as required by law.

D. The Board designates the Facilities Director or Director of Operations and any company they contract with to oversee the District's compliance with the asbestos management plan and AHERA.

Legal authority: 15 USC 2641 et seq.; 29 CFR 1910.1001; 40 CFR 763 Subpart E; MCL 388.861 et seq.

Date revised:

3408 Firearms and Weapons

The District is a weapon-free school zone. Except as otherwise permitted by Policy or required by applicable law, a person may not possess a weapon on District property. See also Policy 5206. Each person on District property must also comply with the federal Gun-Free School Zones Act.

A. As used in this Policy:

1. Reserved

2. A "firearm" means any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.

3. “Pistol” means that term as defined by MCL 28.421.

4. “District property” means:

   a. a building, playing field, or property used for school purposes to impart instruction to students or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses; and

   b. a vehicle used by the District to transport students to or from a place described in subsection A.4.a above.

5. A “weapon” means a firearm, pneumatic gun, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles, or any other object used, intended, or represented to inflict serious bodily injury or property damage.

B. Permitted Uses

The following persons may possess a weapon on District property:

1. A peace officer as defined by law;

2. A student’s parent or guardian licensed to carry a concealed pistol may carry a concealed pistol (but no other weapons) while in a vehicle if the parent or guardian is dropping the student off at, or picking the student up from, the student’s school;

3. A person with permission from the Superintendent or designee to possess a firearm (but no other weapons) within any lawful parameters established by the Board;

C. Violations

1. Students and District personnel with knowledge that a person is in violation of this Policy should immediately report the violation to the building principal or designee.

2. Violation of this Policy will result in discipline of students, employees, and contractors, up to and including expulsion or termination, removal from District property, and referral to law enforcement.

Legal authority: 18 USC 921; 18 USC 922(q); MCL 28.425f, 28.425o; MCL 750.237a

Date revised:

3409 Intentionally Left Blank

3500 FOIA Requests and Record Retention

3501 Freedom of Information Act

The District is a "public body," as defined in Section 2 of the Michigan Freedom of Information Act (FOIA). It is the District's policy to comply with FOIA.

The Superintendent is the District's FOIA Coordinator but may designate another person to accept, process, approve, and deny FOIA requests. The Superintendent will establish written procedures and guidelines, a written public summary of the procedures and guidelines, and a detailed itemization of fees form in compliance with FOIA. The procedures and guidelines may provide for fee appeals to the Board and will be included with Administrative Guidelines 3501-AG.

Legal authority: MCL 15.231 et seq.

Date revised:

3502 Record Retention

A "public record" means a writing prepared, owned, used, in the possession of, or retained by the District in the performance of an official function, from the time it is created.

The District will comply with all federal and state record retention requirements and with Michigan's general record retention schedules. Regardless of format, the District will make public records accessible for the applicable retention period.

A. The District will store its public records in a secure and stable environment, whether digital or physical, and protect them from tampering and damage.

B. Disposal of Records

   1. Once a public record has been retained for the duration required by law, the District may dispose of the public record unless the disposal or preservation of a public record is mandated by law or Policy.

   2. The District will not destroy a public record responsive to a FOIA request received before the date the record is destroyed until the District has produced the public record or determined it is exempt from disclosure.

C. Litigation, Investigation, or Audit Holds

   The Superintendent or designee will issue a hold directive to all persons suspected of having records that may relate to the potential issues in a reasonably anticipated or pending litigation, investigation, or audit. A hold directive overrides any records retention schedule that may otherwise call for the disposition or destruction of the records until the litigation, investigation, or audit hold has been lifted.

Legal authority: MCL 15.231-246; MCL 399.811; MCL 750.491; *General Retention Schedule Nos. 1, 2, 23, 26, 30, 31*

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4101 Non-Discrimination

A. Equal Employment Opportunity

The District is committed to equal employment opportunity and compliance with federal, state, and local laws that prohibit workplace discrimination, unlawful harassment, and unlawful retaliation based on any protected class or activity. This Policy applies to all aspects of employment, including recruiting, advertising, hiring, training, job placement, evaluation, classification, promotion, transfer, work assignment, compensation, benefits, discipline, demotion, termination, reduction in force, recall, and any other term or condition of employment.

This Policy prohibits discrimination against employees or applicants for employment based on the following protected classes: race, color, national origin, ethnicity, religion, sex (including pregnancy, gender identity, and sexual orientation), height, weight, marital status, age, disability, genetic information, veteran status, military service, or any other legally protected class. This Policy also prohibits unlawful retaliation based on a protected activity.

The District prohibits unlawful employment discrimination as required by applicable civil rights statutes, including:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, or national origin;
- Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex (including gender identity, and sexual orientation), or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex (including gender identity and sexual orientation);
- Age Discrimination in Employment Act of 1967 (ADEA), which prohibits discrimination based on age as to persons who are at least 40 years old;
- Equal Pay Act of 1963, which prohibits sex discrimination in payment of wages for persons performing substantially equal work in the same establishment;

- Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination based on disability;

- Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against qualified persons with disabilities in employment, public service, public accommodations, and telecommunications;

- Family and Medical Leave Act of 1993 (FMLA), which requires covered employers to provide up to 12 work weeks of unpaid, job-protected leave to eligible employees for certain family, military, and medical reasons, and up to 26 work weeks to care for a covered service member with a serious injury or illness;

- Pregnancy Discrimination Act of 1978, which prohibits discrimination based on pregnancy, childbirth, or related medical conditions;

- Pregnant Workers Fairness Act (PWFA), which requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause an undue hardship.

- Genetic Information Non-Discrimination Act of 2008 (GINA), which prohibits discrimination based on genetic information as to health insurance and employment;

- Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which provides job protection and reemployment rights to individuals who voluntarily or involuntarily leave employment to undertake military service, including military reservists and National Guard members called to duty;

- Michigan Elliott-Larsen Civil Rights Act of 1976 (ELCRA), which prohibits discrimination based on race, color, national origin, age, sex, pregnancy, sexual orientation, gender identity or expression, religion, height, weight, or marital status;

- Michigan Persons with Disabilities Civil Rights Act of 1976 (MPDCRA), which prohibits discrimination against qualified persons based on disability that is unrelated to that person's ability to perform the duties of a particular position or genetic information;

- Michigan Equal Pay Act, which prohibits discriminatory wage practices based on sex; and

- Public Employment Relations Act of 1947 (PERA), which prohibits a public employer from discriminating against an employee based on membership or non-membership in a labor organization.

- Michigan Whistleblower Protection Act of 1980, which protects employees who report a violation or suspected violation of state, local, or federal law and employees who participate in hearings, investigations, or court actions.

B. Reporting Requirements

Any employee who believes he/she has been subjected to behavior that violates this Policy must file a complaint using the Employment Complaint Procedure in Policy 4104. If Title IX sexual harassment is alleged, the procedures set forth in Policy 3118 should be followed.

Employees with questions about compliance with this Policy and applicable laws should contact the Superintendent or the Employment Compliance Officer(s).

Board members, administrators, and supervisors must promptly report incidents of unlawful discrimination and retaliation. This duty to report applies to unlawful discrimination and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

C. Employment Discrimination Compliance Training

The District will train administrators, supervisors, and the Employment Compliance Officer(s) on how to address and investigate discrimination and retaliation complaints.

The District may also provide discrimination and retaliation training to Board members and employees.

Training may be provided by an outside entity or person approved by the District.

Legal authority: 20 USC 1681 et seq.; 29 USC 206 et seq., 701 et seq., 2601 et seq.; 38USC 4301 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 12101 et seq.; H.R. 2617-1626, 117th Cong. § 103(1) (signed into law December 29, 2022); MCL 37.1101 et seq., 37.2101 et seq.; MCL 423.201 et seq.; MCL 750.556

Date revised:

4102 Anti-Harassment, Including Sexual Harassment

A. Policy Statement

Employees will have the opportunity to work in an atmosphere free from unlawful harassment, including sex-based harassment, as defined by state, federal, and local laws. The District prohibits quid pro quo and hostile work environment harassment.

The District will promptly and thoroughly investigate complaints pursuant to Policy 4104 alleging unlawful harassment and take appropriate action, including discipline, against any person found to have violated this Policy. Investigation determinations will be based on a preponderance of the evidence.

Unlawful harassment is strictly prohibited. This Policy applies to employee conduct perpetrated against other employees, parents/guardians, officers, Board members, agents, contractors, volunteers, and members of the public. Although Title VII sexual harassment falls within this Policy, Title IX sexual harassment does not. For the District's Policy on Title IX sexual harassment, see Policy 3118. Allegations that an employee engaged in unlawful discrimination, harassment, or retaliation against a student will be investigated under Policy 5202.

This Policy applies to unlawful conduct related to work in any way, regardless of location.

B. Unlawful Employment Harassment Definition

Except with regard to Title IX sexual harassment, the following definitions apply:

1. "Quid pro quo" harassment occurs when a supervisor requires sex, sexual favors, or sexual contact from an employee or job candidate as a condition of employment and where:

    a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, to obtain or maintain employment; or

    b. submission to or rejection of that conduct or communication is used as a factor in a decision affecting a person's employment.

2. "Hostile work environment" harassment is unwelcome verbal, visual/written, or physical conduct towards an employee because of the employee's race, color, national origin, ethnicity, religion, sex (including pregnancy), height, weight, marital status, gender identity or expression, age, sexual orientation, disability, genetic information, veteran status, military service, or any other protected class and that has:

    a. the purpose or effect of creating an intimidating, hostile, or offensive work environment;

    b. the purpose or effect of unreasonably interfering with an employee's work; or

    c. an adverse impact on a person's employment opportunities.

Hostile work environment harassment is unlawful where it is based on an employee's protected class and the offensive conduct becomes a condition of continued employment or the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person under the totality of circumstances would consider intimidating, hostile, or offensive.

3. Examples of conduct that may constitute unlawful sexual harassment include:

   a. Verbal: Unwelcome comments, including: the use of derogatory, sexually suggestive, or vulgar language; the use of sexual innuendo; unwelcome advances or repeated requests for dates or sexual favors; threats based on or motivated by a person's sex; demanding or pressuring another person to submit to sexual requests or advances to attain academic or professional achievement; threatening another person's academic or professional reputation if that person does not submit to sexual requests or advances; or any other similar behavior.

   b. Visual/Written: Subjecting another person to sexually suggestive, pornographic, or obscene images, text, or cartoons, including by electronic mail, text message, letter, or any other medium; the use of obscene gestures toward or around another person; leering at another person; or any other similar behavior.

   c. Physical: Unwanted kissing, touching, patting, hugging, pinching, or any other unwanted physical contact; impeding another person's normal movements; stalking, assault, or battery based on the victim's sex; any other physical interference with another person based on that person's sex; or any other similar behavior.

C. Unlawful Retaliation

Unlawful retaliation against a complainant, witness, or other investigation participant is prohibited. Any person who unlawfully retaliates is subject to discipline, including discharge. A person who knowingly files a materially false complaint or makes a materially false statement is subject to discipline, including discharge.

D. Reporting Requirements

Board members, administrators, and supervisors must promptly report incidents of unlawful harassment and retaliation. This duty to report applies to unlawful harassment and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

Legal authority: 20 USC 1681 et seq.; 29 USC 621 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.8, 106.9; MCL 37.1101 et seq., 37.2101 et seq.; MCL 380.1300a

Date revised:

4103 Whistleblowers' Protection

An employee shall report, on his/her own behalf or on behalf of another employee, a violation or a suspected violation of a federal, state, or local law, regulation, or rule to the employee's supervisor or the Employment Compliance Officer(s). Reports must be made in good faith. An employee who makes or is about to make a report in good faith and in compliance with this Policy will not be discharged, subject to adverse employment action, or subject to other discrimination or retaliation because the employee was about to make or made a report.

If the employee's supervisor is the subject of the violation or suspected violation, the employee must report to the Employment Compliance Officer(s) or the Superintendent. If the Employment Compliance Officer(s) or the Superintendent is the subject of the violation or suspected violation, the employee must report to the President. If the President is the subject of the violation or suspected violation, the employee must report to the Vice President.

A report must be promptly submitted in writing pursuant to Policy 4101. The investigation of the alleged violation will be performed by an impartial investigator. The investigation may be referred to a third party investigator.

Legal authority: MCL 15.361 et seq.

Date revised:

4104 Employment Complaint Procedure

This employment complaint procedure is designed to facilitate: (1) prompt notification of alleged unlawful discrimination, including unlawful Title VII sexual harassment, and retaliation; (2) a prompt and thorough investigation of good faith allegations; and (3) the implementation of appropriate corrective action, if necessary, to eliminate verified, unlawful discrimination and retaliation from the workplace.

A. Initiating a Complaint

1. A Board member, employee, or employment applicant who believes he/she has been the subject of unlawful discrimination, including unlawful harassment, or retaliation must timely file a complaint, preferably within 10 business days of the alleged or suspected violation or when the reporter obtained knowledge of the alleged or suspected violation, with:

Director of Teaching and Learning
5 Memorial Drive
269-722-3350

Human Resources Assistant
5 Memorial Drive
269-722-3350

Title IX sexual harassment complaints, including dual Title VII and Title IX harassment complaints that cannot be bifurcated, must be processed under Policy 3118.

1. A complaint against the Employment Compliance Officer(s) must be made to the Superintendent or President. A complaint against the Superintendent must be made to the President. A complaint against the President must be made to the Vice President.

2. A complaint of discrimination, including unlawful harassment, or retaliation, may be made verbally or in writing. The complaint will be memorialized on Form 4104-F.

B. Investigation Procedures

1. A written or verbal report (including an anonymous report) of discrimination, including unlawful harassment, or retaliation will be investigated promptly and thoroughly.

2. An impartial investigator will investigate the complaint and, if appropriate, notify law enforcement. A third-party investigator may be appointed to investigate the complaint. The investigator(s) should consult with legal counsel in appropriate cases.

3. The investigator(s) will determine the relevant and appropriate witnesses to be interviewed based on the allegations, Board policy, and the law, and use reasonable efforts to do so. In most cases, the Complainant(s) and the Respondent(s) will be interviewed. The investigator(s) should remind interviewees to maintain confidentiality to the extent permitted by law.

4. Complaints, evidence, witness statements, investigation notes, and findings will be maintained in a confidential manner and protected from disclosure to the extent permitted by law.

5. The preponderance of the evidence (i.e., more likely than not) standard of proof will be used to determine whether discrimination, including unlawful harassment, or retaliation occurred.

6. The investigator(s) may create an investigation report of factual conclusions and findings.

7. The outcome of the investigation will be reported to the Complainant(s) and the Respondent(s).

C. Remedies

The District will take prompt and appropriate remedial action to address substantiated instances of discrimination, including unlawful harassment, or retaliation. Remediation may include restorative practices, training, counseling, discipline, transfer, demotion, discharge, or other action as deemed appropriate.

D. False Complaint or False Statement

A person who knowingly files a false complaint or makes a materially false statement is subject to discipline, including discharge.

E. Unlawful Retaliation

Retaliation against an investigation participant is prohibited. Any person who unlawfully retaliates is subject to discipline, including discharge.

F. Appeal Process

A Complainant or Respondent who objects to the investigation process or findings must file a written appeal with the Superintendent within 10 business days after receiving the investigation outcome. The written appeal must cite specific objections to the investigation process or findings. If the Superintendent is the Respondent or Complainant, an appeal must be filed with the President. If the President is the Respondent or Complainant, an appeal must be filed with the Vice President.

An appeal will be forwarded to the Board or designee for consideration and action. The Board or designee, in consultation with legal counsel, will take appropriate action, generally within 30 calendar days after receipt of the appeal. A Board officer will then notify the parties in writing of the appeal decision.

G. Reports to State or Federal Administrative Agencies

Any person who believes that he/she was the victim of discrimination, including unlawful harassment, or retaliation may file a complaint with the Michigan Department of Civil Rights (MDCR) or the Equal Employment Opportunity Commission (EEOC) at any time:

Michigan Department of Civil Rights Capitol Tower Building

110 W. Michigan Avenue, Suite 800
Lansing, MI 48933
Phone: 517-335-3165
Fax: 517-241-0546
TTY: 517-241-1965
Email: MDCR-INFO@michigan.gov

Equal Employment Opportunity Commission Patrick V. McNamara Building
477 Michigan Avenue - Room 865
Detroit, MI 48226
Phone: 800-669-4000
Fax: 313-226-4610
TTY: 800-669-6820
Email: info@eeoc.gov

An agency complaint may be filed before, during, or after a complaint is filed with the District, or a person may forego filing a complaint with the District and rely solely on the MDCR or EEOC. The District recommends that a person who has been subjected to discrimination, including unlawful harassment, or retaliation, also file a complaint with the District to ensure that the District can take steps to prevent further discrimination, including unlawful harassment, or retaliation and to discipline the Respondent, if appropriate. The MDCR and EEOC do not serve as an appellate body for District decisions. An investigation by the MDCR or EEOC will occur separately from any District investigation.

Legal authority: U.S. CONST. amend. XIV; 20 USC 1681 et seq.; 29 USC 701 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1630; 34 CFR 104, 106.8, 106.9, 110; MCL 15.261 et seq.; MCL 37.1101 et seq., 37.2101 et seq.

Date revised:

4105 Workplace Accommodations for Employees and Applicants Under State and Federal Law

The District complies with the ADA, Section 504, the MPDCRA, PWFA, and other federal, state, and local laws that prohibit discrimination in employment against qualified persons with disabilities or with limitations related to pregnancy, childbirth, or related medical conditions. The District does not unlawfully discriminate against otherwise qualified employees or applicants for employment with a physical or mental impairment that substantially limits one or more major life activities, those regarded as having a disability, those with a record of a disability, or employees with limitations related to pregnancy, childbirth, or related medical conditions.

An applicant or employee with a disability, or an employee with limitations related to pregnancy, childbirth, or related medical conditions, like all other applicants and

employees, must meet the District's requirements for the job, including education, training, employment experience, skills, or licenses/certifications. An applicant or employee with a disability or an employee with limitations related to pregnancy, childbirth, or related medical conditions must be able to perform the job's essential functions with or without reasonable accommodation(s). After an applicant has been given a conditional job offer, the District may ask disability-related questions about the applicant's ability to perform the essential functions of the position with or without reasonable accommodation.

An employee who requires a reasonable accommodation to perform essential job functions must promptly inform the employee's supervisor or the Superintendent or designee. An applicant who requires a reasonable accommodation to perform essential job functions must promptly inform the Superintendent or designee after receiving a conditional offer of employment. A reasonable accommodation is defined as a change in the work environment or in the methods of performing work to enable an otherwise qualified applicant or employee to perform the essential job functions of a position and to enjoy equal employment opportunities.

Upon receipt of an accommodation request, the District will begin the interactive process with the employee or applicant to consider reasonable accommodation options consistent with the ADA, Section 504, and the MPDCRA.

Reasonable accommodation requests that do not pose a direct threat to health or safety or cause undue hardship, as defined by law, will be considered for qualified applicants or employees with a physical or mental impairment that substantially limits one or more major life activities, or for employees with limitations related to pregnancy, childbirth, or related medical conditions.

After considering the relevant medical information, essential job functions, and the applicant's or employee's requested accommodations, the District will, as appropriate, implement reasonable accommodations that do not pose a direct threat to health or safety or cause an undue hardship. The District is not obligated to adopt the applicant's or employee's specific accommodation request.

The District may engage or re-engage in the interactive process, as necessary.

The District may require a medical statement supporting the requested accommodation. The District may also require an employee to undergo an independent medical examination, limited to the accommodation request, at the District's expense. Medical information will be kept confidential.

Reasonable accommodation of a disability with a limited duration may be provided.

An applicant or employee who believes he/she has been discriminated against under this Policy must promptly file a complaint using the Employment Complaint Procedure in Policy 4104.

A qualified applicant or employee with a disability who needs a reasonable accommodation to attend or participate in a public Board meeting may request an accommodation under Policy 2501.

Legal authority: 29 USC 701 et seq.; 42 USC 12101 et seq.; 29 CFR 1630; 34 CFR 104; H.R. 2617-1626, 117th Cong. § 103(1); MCL 37.1101 et seq., 37.2101 et seq.

Date revised:

4106 Family and Medical Leave Act (FMLA)

This Policy will be interpreted and applied consistent with the FMLA, as amended, and its regulations. This Policy should not be interpreted to conflict with an applicable collective bargaining agreement where the collective bargaining agreement provides rights or obligations beyond those conferred by FMLA and that are not prohibited by FMLA.

A. Qualifying for FMLA Leave

1. Employee Eligibility

a. To be eligible for FMLA leave, an employee must:

i. have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave (full-time instructional employees are presumed to meet the 1,250 hour requirement);

ii. have completed 12 months (cumulative) of work for the District before the commencement of the leave. This includes non-consecutive intervals of employment with the District occurring up to 7 years before the commencement of the FMLA leave; and

iii. make the request at a time when the District has 50 or more employees at, or within 75 miles of, the worksite.

b. The applicable 12-month period to determine an employee's entitlement to FMLA leave (i.e., the FMLA leave year) is a "rolling" 12-month period measured backward from when the FMLA leave would commence.

c. An eligible employee taking FMLA leave to care for a covered service member or veteran with a serious injury or illness is allowed to take up to 26 work weeks of leave in a single 12-month period measured forward from the date the employee first takes leave.

2. Qualifying Events

a. An eligible employee may take FMLA leave, up to a total of 12 work weeks, during any 12-month period for any one or more of the following:

i. the birth or care of the employee's newborn child;

ii. the employee's care for a newly adopted child or child placed in the employee's home for foster care;

iii. to care for a spouse, child (who is younger than age 18, or over 18 but incapable of self-care), a parent (but not parent-in-law), or an individual for whom the employee stands *in loco parentis* who has a serious health condition;

iv. the employee's own serious health condition; or

v. a qualifying military exigency about an employee, the employee's spouse, child (regardless of age), or parent.

b. An eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for a covered service member who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. The employee must be the spouse, child, parent (regardless of their child's age), or next of kin of the covered service member. This subsection applies to veterans of the Armed Services who suffered an injury or illness, or aggravated an injury or illness, in the line of duty on active duty if the veteran was a member of the Armed Forces at any time during the 5 years before receiving treatment.

3. Limitations on FMLA Leave

a. The entitlement to leave for the birth of a child or placement of a child with an employee for the purposes of adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement, and these circumstances do not qualify for intermittent or reduced schedule leave.

b. Concerning spouses who are both employed by the District, and both eligible for FMLA leave, they are limited to a combined total of 12 work weeks of FMLA leave for the birth or placement, or related care, of a child for adoption or foster care with the employees or the care of a parent with a serious health condition. This limitation does not apply to the care of a spouse or child with a serious health condition or to an employee's own serious health condition.

c. Concerning the entitlement to 26 work weeks of leave to care for a covered service member with a serious illness or injury, the 26 work week allotment may include other reasons for FMLA leave authorized by the Act. But in that allotment, an employee is not entitled to more than 12 work weeks of leave for reasons unrelated to the care for a covered service member with a serious illness or injury.

d. Concerning spouses who are both employed by the District, and both eligible for FMLA leave to care for a covered service member, they are

limited to a combined total of 26 work weeks of leave for all leaves authorized by the Act during the 12-month period commencing with FMLA leave to care for a covered service member. The spouses are subject to the 12 work week limitation for leave related to the birth or placement, or related care, of a child for adoption or foster care with the employees or the care of a parent with a serious health condition.

B. FMLA Notice

1. An employee must give the District notice of FMLA leave as follows:

   a. When the need for FMLA leave is foreseeable (e.g., for the birth of a child, placement for adoption or foster care, or planned medical treatment), 30 calendar days' notice is required. If the employee fails to give 30 calendar days' notice with no reasonable excuse, the District reserves the right to deny or to delay the employee's FMLA leave. If the FMLA leave is for planned medical treatment, the employee must make reasonable efforts to schedule treatment so as not to unduly disrupt the District's operations.

   b. When the need for FMLA leave is unexpected, the employee must provide notice to the District as soon as practicable.

2. For both foreseeable and unexpected leave, employees must comply with District Policies, work rules, collective bargaining agreement provisions, and customary absence reporting procedures. Failure to comply with these requirements may be grounds to delay or deny the employee's FMLA leave request and may result in discipline.

3. Absent extenuating circumstances, within 5 work days after an employee requests FMLA leave or the District has reasonable information that an employee may qualify for FMLA leave, the District will provide to the employee a copy of this Policy and the U.S. Department of Labor's (DOL) "Notice of Eligibility and Rights & Responsibilities" DOL Form WH-381 (as updated).

4. Once the District receives sufficient notice, including any requested medical certification (see below), that an employee's leave qualifies as FMLA leave, the District will, absent extenuating circumstances, within 5 work days, notify the employee in writing whether the leave is designated as FMLA leave using DOL Form WH-382 (as updated).

C. Certification

1. If an employee requests FMLA leave due to the employee's serious health condition or to care for a parent, child, or spouse with a serious health condition, the employee must provide medical certification from a health care provider of the serious health condition involved and, if applicable, verification that the employee is needed to care for the family member and the expected duration of the leave. Employees requesting leave for a qualifying exigency or leave to care for a covered service member with a serious injury or illness must provide

the appropriate certification. The District will provide the employee with the appropriate DOL form applicable to the employee's requested leave.

2. Employees must return the requested certification within 15 calendar days after the request. The District may delay or deny FMLA leave if submission of the certification is not timely.

3. Failure or refusal to provide requested medical certification within 15 calendar days may result in denial of the leave being designated as FMLA leave.

4. If an employee provides an incomplete or insufficient certification, the District will advise the employee, in writing, of the deficiencies and what additional information is needed. An employee must return the requested additional information within 7 calendar days. The District, but not the employee's direct supervisor, may contact an employee's health care provider for clarification or authentication of a certification. The District may not contact the employee's health care provider if a complete and sufficient certification, signed by the health care provider, is submitted.

5. If the District has reason to doubt the medical certification an employee submits, the District may require, at its expense, that the employee obtain a second opinion from a health care provider of the District's choice. If the second opinion differs, the District may require, at its expense, that a third opinion be obtained from a health care provider who is mutually selected by the employee and the District. The third medical certification will be final and binding on both parties. If the employee refuses to be examined by the third health care provider, the employee will be bound by the second opinion. The District may not request a second opinion for leave to care for a covered service member or veteran with a serious injury or illness.

   The District may request recertification consistent with FMLA regulations. Recertification will be at the employee's expense.

   The District may request recertification in less than 30 calendar days if: an employee requests an extension of FMLA leave; circumstances stated in the prior certification have changed significantly; or the District receives information that casts doubt upon the employee's stated reason for the absence or the certification's validity.

D. Concurrent Leave and Substitution of Paid Leave

FMLA leave provided to employees is unpaid, unless the employee has applicable paid leave. Applicable paid leave (e.g., sick, personal, business, vacation, paid time off, leave under Michigan Paid Medical Leave Act (MPMLA), or workers' compensation) will run concurrently with FMLA leave at the election of either the District or the employee. The ability to use paid leave concurrently with FMLA leave is subject to compliance with the procedures and conditions normally associated with the paid leave. A medical leave of absence covered by workers' compensation runs concurrently with FMLA leave and consistent with an applicable individual

employment contract or collective bargaining agreement. FMLA leave beyond an employee's applicable accrued paid leave is unpaid.

E. Intermittent and Reduced Schedule Leave

1. Eligible employees may take FMLA leave intermittently or on a reduced schedule when leave is taken to care for a family member with a serious health condition, for an employee's own serious health condition, because of a qualifying exigency, or to care for a covered service member or veteran, an eligible employee may take leave intermittently or on a reduced schedule when medically necessary.

2. Intermittent or reduced schedule leave will not result in a reduction in the employee's total amount of leave beyond the amount of leave actually taken. Intermittent and reduced schedule FMLA leave will be accounted for in the shortest increment used to account for leave generally within the employee's classification.

   Employees must follow the District's absence reporting procedures when using intermittent leave.

3. When an instructional employee seeks to take intermittent or reduced schedule leave to care for a family member with a serious health condition, to care for a covered service member or veteran, or for the employee's own serious health condition which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20% of the total number of work days over the leave period, the District may either require the employee to take leave on a full-time basis for the duration of the requested intermittent or reduced schedule leave or temporarily transfer the employee to an alternate position with equivalent pay and benefits.

4. If an eligible employee requests intermittent or reduced schedule leave for a foreseeable medical treatment, including during a period of recovery from a serious health condition, the District may require the employee to transfer temporarily to an available alternate position for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular position. The alternate position must have equivalent pay and benefits as the employee's regular position.

F. Group Health Plan Benefits

1. Eligible employees are generally entitled to the continuation of District-provided group health plan benefits while on FMLA leave. Group health plan benefits include medical, dental, and optical insurance coverages in which the employee is enrolled at the time that FMLA leave is taken.

2. The District will continue paying its portion, if any, of the employee's group health plan costs and insurance premiums or representative premiums while the employee is on FMLA leave and in accordance with any applicable

collective bargaining or individual employment contract. Any share or portion of the group health plan costs, insurance premiums, or representative premiums paid by the employee before FMLA leave must continue to be paid by the employee during FMLA leave. See DOL Form WH-381. An employee's failure to pay his/her portion of group health plan costs, insurance premiums, or representative premiums during FMLA leave may result in loss of coverage if the employee's contribution is more than 30 calendar days late. The District will provide the employee with written notice at least 15 calendar days before cancelling the employee's coverage because of a failure to make employee contributions.

3. As addressed in subsection I below, an employee who fails to voluntarily return to work after FMLA leave may be required to repay the District for his/her group health plan benefit costs.

G. Return to Work

1. At the expiration date of an employee's FMLA leave, the employee will be returned to that employee's former position or an equivalent position with the same pay, benefits, and working conditions. An employee taking FMLA leave has no greater right to reinstatement than if the employee had been continuously employed during the FMLA leave period.

2. If an employee was unable to renew a license or certification because of FMLA leave and is no longer qualified for the employee's former position, the District will provide the employee reasonable time, on unpaid status, to fulfill the necessary return to work conditions.

3. Instructional Employees

   a. "Instructional" employees are those whose principal function is to teach and instruct students in a class, small group, or individual setting.

   b. If an instructional employee begins FMLA leave more than 5 weeks before the end of a term or semester, the District may require the employee to take FMLA leave until the end of the term or semester if the FMLA leave is to last at least 3 weeks and the employee would return to work during the 3-week period before the end of the term or semester.

   c. If an instructional employee begins FMLA leave during the 5-week period before the end of a term or semester because of the birth or placement for adoption or foster care of a child, to care for a spouse, child, or parent with a serious health condition, or to care for a covered service member or veteran, the District may require that FMLA leave be taken until the end of the term or semester if the instructional employee would return to work during the 2-week period immediately before the end of the term or semester and the leave is to last more than 2 weeks.

d. If an instructional employee begins FMLA leave during the 3-week period before the end of a term or semester because of the birth or placement for adoption or foster care of a child, to care for a spouse, child, or parent with a serious health condition, or to care for a covered service member or veteran, the District may require the employee to take FMLA leave until the end of the term or semester, if the leave will last more than five (5) work days.

e. Any additional FMLA leave required of an instructional employee by the District will not count against the employee's allotment of FMLA leave.

4. Fitness for Duty

The District may require that an employee returning from FMLA leave submit a fitness-for-duty certification from a health care provider which addresses the employee's ability to return to work and perform the essential functions of the employee's position. The District must provide the employee with notice of the requirement to provide a fitness-for-duty certification and the essential functions of the employee's position when the District provides the employee the designation of FMLA leave notice (DOL Form WH-382, as updated). If the employee fails to submit the fitness-for-duty certification in a timely manner, return from FMLA leave may be delayed by the District. The employee may be terminated if he/she fails to submit the fitness-for-duty certification.

5. Unless a collective bargaining agreement provides otherwise, an employee on unpaid FMLA leave is not entitled to accrue seniority, employment benefits (other than medical insurance), or any benefit conditioned on length of service or work performed.

H. Denial of Key Employee Restoration

1. The District reserves the right to deny restoration to the same or equivalent position to any eligible employee who is a key employee, meaning any employee who is paid a salary and is in the highest paid 10% of employees. The District may deny restoration if necessary to prevent substantial and grievous economic injury to the District's operations. If the District intends to deny restoration to a key employee, it will:

a. use DOL Form WH-381, as updated, to notify the employee of his/her status as a key employee in response to the employee's request for FMLA leave and provide the employee with an explanation of the consequences for the employee if the District determines that substantial and grievous injury will result to its operations if the employee is reinstated after FMLA leave;

b. notify the employee, in person or by certified mail, as soon as the District decides it will deny restoration and the reasons for the denial;

c. offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice;

d. make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration; and

e. the District must maintain its group health plan cost, contributions, premium, or representative premium contributions for the employee's group health plan benefits for the entire term of the employee's FMLA leave, even after giving the employee notice that restoration will be denied.

I. Failure to Return to Work

1. An employee's unexcused failure to return to work upon expiration of FMLA leave will subject the employee to discharge unless the District grants an extension of leave as required by law or under a collective bargaining agreement, employee handbook, or individual employment contract. An employee who requests an extension of leave due to the continuation, recurrence, or onset of the employee's serious health condition, or the serious health condition of the employee's spouse, child, parent, or covered service member or veteran, must submit to the employee's supervisor a written request for an extension. This written request must be made as soon as possible before the expiration of the employee's FMLA leave. Medical certification or recertification will be required to support any request for leave extension.

2. If an employee is unable to perform the essential functions of the position or an equivalent position at the end of FMLA leave, the District will comply with ADA requirements, as applicable.

3. If an employee fails to return to work after his/her FMLA leave expires, the employee must reimburse the District for any group health plan costs, contributions, premiums, and representative premiums that the District paid for continuation of the employee's group health benefits coverage during FMLA leave, unless the employee does not return due to: (a) the continuation, recurrence, or onset of the serious health condition which entitled the employee to FMLA leave and the employee provides the District with sufficient certification from the proper health care provider of the continuation, recurrence, or onset of the serious health condition; or (b) other circumstances beyond the employee's control. This provision does not apply to any group health plan cost, insurance premium, or representative premium contributions made by the District for periods during which the employee used paid leave concurrently with FMLA leave.

J. Recordkeeping

1. The District will maintain the following records related to FMLA requests and use:

a. basic payroll information;

b. dates (or hours) during which eligible employees take FMLA leave;

c. copies of all notices, requests, and other documents related to FMLA leave;

d. copies of documents evidencing group health plan cost contributions, insurance premium, and representative premium payments made by the District on behalf of an eligible employee on FMLA leave; and

e. documents related to disputes about eligibility or designation of FMLA leave.

2. Medical certifications and other medical documentation related to FMLA leave will be maintained in a separate, confidential file from an employee's personnel file. See Policy 4224.

K. Notice to Employees

The District will post the appropriate notice of rights poster in a location easily seen by employees and include a general notice of employee FMLA rights in applicable employee handbooks or by providing employees notice at their time of hire.

Legal authority: 29 USC 2601 et seq.; 29 CFR 825.100 et seq.

Date revised:

4107 Military Leave

The District complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA), Michigan's Military Leaves Reemployment Protection Act (MLRPA), and Michigan's Public Employees Entering Armed Forces Act (MPEEAFA). The term "military service" as used in this Policy includes the "uniformed services" as defined in the USERRA, "service" as defined in the MLRPA, and "military duty" as defined in the MPEEAFA.

Military service also includes service and training in the Army, Navy, Marine Corps, Air Force, Coast Guard, applicable reserve forces, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service, and other categories of persons designated by the U.S. President in times of war.

In qualifying circumstances, eligible full- and part-time employees may take leave related to military service and are entitled to reemployment and other rights during and at the conclusion of military leave. Military leave is unpaid, but employees may use accrued applicable paid leave for all or a portion of their military leave in accordance with a collective bargaining agreement or individual employment contract.

A. Employee Notice and Eligibility

1. Advance notice of military service is required, unless that service prevents advance notice or notice is otherwise unreasonable or impossible.

2. Employees are eligible for military leave when called to provide military service, whether voluntary or involuntary.

3. Military leave may be taken for the purpose of active duty, active duty training, inactive duty training, full-time National Guard duty, examinations to determine fitness for duty, funeral honors duty, duty related to the National Disaster Medical System, or any other activity authorized by law.

B. Reemployment Rights

1. Employees returning from military leave are entitled to prompt reemployment pursuant to conditions in the law.

2. Employees may be disqualified from reemployment when: (a) discharged dishonorably or for bad conduct; (b) separation from military service is considered "other than honorable" by the applicable military branch; (c) dismissal occurs via court martial or by order of the U.S. President; or (d) the employee is dropped from the military service rolls because of an unauthorized absence from military service or imprisonment.

3. The District may deny reemployment after military leave if the District's circumstances have changed to make reemployment impossible or unreasonable.

C. Reemployment Positions

An employee's reemployment position upon returning from military leave depends on the length of the employee's military service, advancement if the employee had remained continuously employed, the employee's qualifications, and other factors described in the law.

D. Pay and Rights Upon Reemployment

1. Upon reemployment, an employee receives seniority and other rights and benefits determined by seniority that the employee had attained on the date that military leave began, plus the additional seniority and rights and benefits that the employee would have attained if the employee had remained continuously employed. An employee is entitled to any other rights and benefits not determined by seniority as are generally provided by the District to other employees having similar seniority, status, and pay when taking a non-military leave.

2. Upon reemployment, an employee's eligibility calculation for leave under the FMLA will assume that the employee worked for the District during the period of military leave.

3. Upon reemployment, an employee may not be discharged except for a reason constituting just cause for a period of up to 1 year after reemployment from military leave depending on the length and type of military service.

E. Benefits

1. If an employee commencing military leave has coverage under a District-provided group health benefit plan, the employee may (at the employee's expense) elect to continue coverage for the employee, the employee's spouse, and/or the employee's dependents, subject to conditions in the law.

2. If an employee's health insurance coverage is terminated consistent with the law, upon reemployment, the employee (and the employee's spouse and dependents) is immediately eligible for reinstatement of health insurance coverage.

F. Notice and Complaints

1. Notice of employee rights under the USERRA will be posted in an appropriate location.

2. The District will not retaliate or take adverse action against an employee based on the employee's exercise of rights under the law.

3. An employee must immediately contact the Employment Compliance Officer(s) if the employee believes the District has violated the law or this Policy. The District will investigate the complaint pursuant to Policy 4104.

Legal authority: 38 USC 4301 et seq.; MCL 32.271 et seq.; MCL 35.351 et seq.

Date revised:

4108 Union Activity and Representation

The District will not engage in any of the following:

- interfere with, restrain, or coerce employees in the exercise of their rights under the Public Employment Relations Act (PERA);

- discriminate in regard to hire, terms, or other conditions of employment based on membership or non-membership in a labor organization;

- discriminate against an employee because he/she has given testimony or instituted proceedings under PERA;

- initiate, create, dominate, contribute to, or interfere with the formation or administration of any labor organization; and

- use public school resources to assist a labor organization in collecting dues or service fees from wages of public school employees, unless a collective bargaining agreement expressly permits dues or service fee deductions from wages. Upon the expiration of the collective bargaining agreement, the District is not obligated to collect labor organization dues or service fees. Unless prohibited by a collective bargaining agreement, the District may charge an administrative fee to the labor

organization for collecting and processing dues and other deductions on the organization's behalf.

This Policy must be implemented consistent with Policy 1101.

An employee who is subject to an investigatory interview that may result in discipline or reasonably believes that an investigatory interview may result in discipline may bring to the investigatory meeting another employee, or a union representative, if the employee is in an exclusively represented bargaining unit. If the employee's union representative of choice is not immediately available, the investigatory meeting need not be delayed and may proceed with another representative present.

The District may permit a union representative to attend other meetings, but is not obligated to do so unless required by law or by an applicable collective bargaining agreement. District administration is not required to inform an employee of the right to union representation.

An employee is not entitled to have legal representation present at an employment-related meeting with District administration unless the Superintendent or designee gives prior permission.

Legal authority: MCL 423.209, 423.210; *Janus v AFSCME*, Council 31, 138 S. Ct. 2448 (2018); *NLRB v J Weingarten, Inc*, 420 US 251 (1975)

Date revised:

4109 Break Time for Nursing Mothers

The District will provide reasonable break time for a non-exempt (i.e., hourly) employee to express breast milk for her nursing child in a place, other than a bathroom, that is shielded from view and free from intrusion by co-workers and the public for 1 year after the child's birth or additional time may be granted for appropriate cause as determined by the Superintendent or designee. The break time for this purpose will be unpaid unless the non-exempt employee uses paid break time to which she is otherwise entitled under an applicable collective bargaining agreement, individual employment contract, or employee handbook.

Legal authority: 29 USC 207(r)

Date revised:

4110 Reimbursement

The District may reimburse an employee for actual, necessary, and reasonable expenses incurred in the performance of official or appropriately authorized duties. As a condition to reimbursement, the District may require pre-approval of an expense.

Subject to prior written approval of the Superintendent or designee, an employee may attend workshops, conferences, trainings, programs, official functions, hearings, and meetings that assist in work performance and are in the District's best interests.

Reimbursement may include expenses for registration, tuition, fees, charges, travel expenses, meals (except alcohol), lodging, or other related expenses as the Superintendent or designee deems appropriate and as permitted by law.

This Policy will not be construed in a manner that restricts reimbursement provisions in any applicable collective bargaining agreement, individual employment contract, or employee handbook.

Legal authority: MCL 380.11a(3), 380.1254(1), 380.1804

Date revised:

4111 Professional Development

A. General

For purposes of this Policy, "day" is defined as at least 6 hours and "year" is defined as July 1 to June 30.

B. Teachers

The District provides professional development for teachers in compliance with state law. At the District's discretion and consistent with state law, professional development hours may be counted as student instructional hours, although the instructional calendar may be extended if necessary for the District to receive full state aid under federal or state law. To facilitate professional development, the District may provide a substitute, reimburse conference expenses or registration fees, or provide release time for attendance. Professional development may include working in professional learning communities or examining student data.

The District must document the following information:

- dates when professional development was provided;
- beginning and ending times; and
- topic(s) presented to participating teachers on each date.

The Superintendent or designee has the discretion to select topics for professional development. For each day that professional development is provided, the District must retain at least one of the following:

- sign-in/out sheet;
- attendance log;

- flyer/notices announcing the event;
- agenda/meeting minutes;
- travel voucher(s);
- food receipt(s); or
- District calendar (dates indicated).

The District will record teacher attendance, including probationary teachers, at professional development on the prescribed form published by MDE or a modified form designed to assist teachers with tracking their professional development for teacher certification renewal.

In addition to the State-mandated professional development, the District is required by state law to provide 15 days of professional development to new teachers in their first 3 years of classroom teaching. Professional development should, where appropriate, align with the teacher's individual development plan.

C. Professional Staff

Professional staff are to participate in professional development as required under state law or the respective professional standards consistent with the professional's position. Professional development may be on a local, state, or national level. Superintendent or designee pre-approval is required before attending professional development.

D. Maintaining Certifications and Licenses

Teachers, Non-Teaching Professionals, Administrators, and the Superintendent must comply with professional development or continuing education obligations to maintain certifications or licenses, including the payment of any related fees. The District is not obligated to notify professionals that certifications or licenses are expiring.

E. Other Employees

The District may offer in-services or training on a mandatory or voluntary basis to other employees. If a training is mandated, employees will be paid and, if applicable, released for that time. If the District employs bus drivers, bus drivers will be paid for training time to keep a commercial driver's license (CDL) current.

Legal authority: MCL 257.312e, 257.1801 et seq.; MCL 380.1231, 380.1233, 380.1233a, 380.1233b, 380.1233c, 380.1246, 380.1526, 380.1527, 380.1531, 380.1536; MCL 388.1674, 388.1763

Dated revised:

4112 Extracurricular Employees or Volunteers

Persons employed in extracurricular activities, such as athletic coaches, advisors, or activity sponsors, and whose primary duty is instructing students in the rules, fundamentals, or techniques of the related sport or activity, but who are not otherwise employed by the District, are exempt from the Fair Labor Standards Act's minimum wage and overtime requirements.

Persons engaged as volunteers in the District's extracurricular activities may be paid a stipend at the end of the activity. Volunteer stipends must be limited to expenses incurred.

Extracurricular employees and volunteers serve on an at-will basis as determined by the Superintendent or designee.

Extracurricular employees are subject to background checks under Policy 4205. Volunteers may also be subject background checks under Policy 4205 or using another verified background check method.

Legal authority: DOL Opinion Letter FLSA 2018-6

Date revised:

4200 Employee Conduct and Ethics

4201 Employee Ethics and Standards

Employees must act professionally and model high standards of behavior at all times. Employees shall perform their respective duties and responsibilities in a professional manner, using appropriate judgment. Employees must maintain a standard of behavior that reflects positively on their status as District representatives in the community and is consistent with the Michigan Code of Educational Ethics, which is incorporated herein by reference. See:

https://www.michigan.gov/documents/mde/Code_of_Ethics_653130_7.pdf

If an employee is uncertain as to a potential course of conduct, the employee should seek advice from a supervisor before proceeding.

A. Employee Ethical Conduct

Employees must exercise objectively sound and professional judgment when engaging with students, parents/guardians, colleagues, administrators, Board members, and community members. This standard extends to employee conduct on and off school property. Ethical behavior generally includes, but is not limited to:

1. supporting the physical and emotional welfare and safety of students, parents/guardians, colleagues, administrators, Board members, and community members;

2. complying with federal and state law;

3. competently and appropriately performing duties and responsibilities for which the employee is trained or assigned;

4. assigning tasks to District personnel who are qualified and hired to perform the assigned task;

5. refraining from unlawful discrimination, including unlawful harassment, and retaliation as defined by Policy;

6. immediately reporting suspected child abuse or neglect;

7. maintaining confidential information, including student, medical, personnel, financial, and security information, as protected by statute;

8. appropriately using District funds, resources, and technology;

9. maintaining consistent and reliable work attendance, unless excused by the employee's supervisor or the Superintendent or designee, as applicable;

10. engaging in activities or behaviors that enhance the operational and instructional environment;

11. professionally communicating with students, parents/guardians, colleagues, Board members, and community members, including through electronic means;

12. Completing time and effort reporting under 4201-AG.

13. abiding by professional, ethical, and licensing standards established by relevant governmental agencies, professional licensing boards, and professional associations, including the Michigan State Board of Education; and

14. self-reporting a criminal charge and plea or conviction, as required by law.

B. Conflict of Interest

Employees shall perform their duties and responsibilities free from a prohibited conflict of interest, unless authorized by the Board or designee. Prohibited conflicts of interest include, but are not limited to:

1. soliciting or accepting anything of value (such as a gift, loan, contribution, or reward), other than compensation received from the District in exchange for services provided to the District, that would influence the employee's judgment when performing the employee's duties;

2. using public funds to purchase alcoholic beverages, jewelry, gifts, fees for golf, or any item the purchase of which is illegal, except as consistent with and permitted by Policy 3205 and Revised School Code Section 1814;

3. using or authorizing the use of the employee's public employment or any confidential information received through public employment to obtain personal, professional, political, or financial gain other than compensation received from the District in exchange for services provided to the District for the employee or a member of the employee's immediate family, or a business with which the employee is associated;

4. using or authorizing the use of District personnel, resources, property, or funds under the employee's care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures, or using those items for personal, professional, political, or financial gain;

5. providing private services, lessons, tutoring, or coaching for students assigned to the employee for additional remuneration, except as permitted by Policy 4214;

6. engaging in any activity of a sexual or romantic nature with another employee(s) or contractor(s) that the employee supervises, unless the individuals are engaged to be married, married, or cohabitating;

7. engaging in any activity of a sexual or romantic nature on school property or at school-sponsored events;

8. directly or indirectly supervising, making, or contributing to an employment decision pertaining to a relative or significant other, or relative of a relative or significant other (as defined by Policy 4213); and

9. engaging in any other activity that promotes an employee's financial and pecuniary interests over those of the District.

C. Student Fraternization

Employees must establish and maintain professional boundaries with students, including while using personal or District technology. Employees are prohibited from direct or indirect interactions with students that do not reasonably relate to an educational purpose. Employees will behave at all times in a manner supportive of the best interests of students and the District.

Conduct identified below constitutes unprofessional conduct, subjecting the employee to discipline, including discharge, absent express Board or designee authorization. The following list illustrates prohibited behavior involving students but does not describe every kind of prohibited behavior:

1. communicating about alcohol use, drug use, or sexual activity when the discussion is not appropriately related to a specific aspect of the curriculum or the employee's duties;

2. providing drugs, alcohol, tobacco, e-cigarettes, or other items students cannot possess under the District's Student Code of Conduct;

3. commenting about matters involving sex, using double entendre, or making sexually suggestive remarks with no appropriate educational purpose;

4. displaying sexually inappropriate images, materials, or objects;

5. offering or soliciting sexual advice, whether written, verbal, or physical;

6. engaging in any activity of a sexual or romantic nature, including following graduation where the relationship arises out of an employee-student relationship;

7. inappropriate kissing;

8. inappropriately intruding on a student's personal space, such as by touching unnecessarily, moving too close, or staring at a portion of the student's body;

9. communicating directly or indirectly (e.g., by phone, email, text messaging, or social media) on a matter that does not pertain to school unless the employee obtained prior parental consent. Electronic communications with students generally are to be sent simultaneously to multiple recipients and not just to one student except when the communication is clearly school related and inappropriate for persons other than the individual student to receive (e.g., grades);

10. permitting a specific student to engage in conduct that is not permitted or tolerated from other students;

11. inappropriately discussing with a student the student's personal issues or problems that should normally be discussed with a parent/guardian or counselor unless the employee is the student's family member;

12. inappropriately giving a student a personal gift;

13. allowing a student to live in the employee's residence without prior parent/guardian consent unless the student is the employee's family member, a foreign exchange student placed with the employee, or if the employee serves as the student's foster parent or legal guardian;

14. giving a student a ride in the employee's vehicle without appropriate authorization;

15. taking a student on an activity outside of school without first obtaining the express permission of the student's parent/guardian and a District administrator;

16. inviting a student to the employee's home or residence without first obtaining the express permission of the student's parent/guardian;

17. going to a student's home when the student's parent/guardian or an adult chaperone is not present unless the employee is the student's family member; or

18. engaging in any other conduct which undermines the special position of trust and authority between a District employee and a student.

Employees suspecting child abuse or neglect must: (a) immediately contact Children's Protective Services (CPS), (b) file an appropriate report with that agency as required by the Child Protection Law and Policy 4202, and (c) notify the Superintendent or designee and the building principal or supervisor that the report has been filed.

Legal authority: MCL 380.11a, 380.601a, 380.634, 380.1308a, 380.1814; MCL 722.621 et seq.

Date revised:

4201-AG Employee Ethics and Standards – Time and Effort Reporting

Employees who are paid, in full or in part, with federal funds must maintain time and effort records, reference administrative guidelines.

4202 Children's Protective Services (CPS) Reporting and Student Safety and Welfare

During the performance of their duties, employees must exercise due care for the safety and welfare of the District's students.

A. Required Reports to CPS, District administration, and Michigan State Police

1. A reporter must: (a) promptly notify the Superintendent or designee and the building principal of the report; and (b) submit an electronic or written report to CPS within the statutory timeframe. Failure to make an immediate report or follow-up with an electronic or written report may result in discipline, including discharge, as well as criminal or civil penalties. CPS may be contacted at 855-444-3911 or www.michigan/gov/mdhhs.

   Administrators, teachers, counselors, social workers, psychologists, nurses, physical therapists, physical therapist assistants, occupational therapists, athletic trainers, and others identified as mandatory reporters pursuant to Michigan's Child Protection Law must *immediately* report all instances of suspected child abuse or neglect to CPS. Other employees are also expected to make reports to CPS of suspected child abuse or neglect.

2. Employees must promptly report to the building principal or the Superintendent or designee any instances of injury (accidental or intentional), violence, threats of violence, self-harm, hazards, or any other situation that endangers student safety and welfare or raises reasonable concerns as to the safety of students.

3. Employees must promptly report to the building principal or the Superintendent or designee incidents of student bullying and crimes or attempted crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes, including theft and vandalism.

   Within 24 hours of an alleged incident, an administrator must make an appropriate report to the Michigan State Police as required by law.

B. Student Safety and Welfare

1. Employees will maintain control and supervision of students to ensure student safety and will take appropriate action if the employee observes an unsafe or dangerous situation.

2. Employees will treat students with respect and maintain appropriate professional boundaries with students both in and out of school. Employees must avoid conduct with students that potentially creates the appearance of an unprofessional, unethical, or inappropriate relationship. Romantic relationships between employees and students are prohibited regardless of the student's age, including following graduation where the relationship arises out of an employee-student relationship.

3. An employee will not assess, diagnose, prescribe, or provide therapy or counseling services to a student unless: (a) the employee is appropriately certified or licensed under Michigan law; and (b) the services are within the employee's job duties. An employee will direct students in need of these services to the appropriate District employee or community resource.

4. Employees will comply with and respect confidentiality of student records and privacy rights, including not posting student information or images online without prior authorization from the employee's supervisor.

5. Employees will not interfere with or adversely impact a parent's/guardian's right to determine and direct their student's care, wellbeing, teaching, and education.

6. Reserved

Legal authority: MCL 380.10, 380.1308, 380.1308a, 380.1310a; MCL 388.1766; MCL 722.621 et seq.

Date revised:

4203 Corporal Punishment and Limited Use of Reasonable Force

A. Definition

"Corporal punishment" is defined as the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. Corporal punishment does not include physical pain caused by reasonable physical activity associated with athletic training.

B. Prohibition

Employees will not inflict, or cause to be inflicted, corporal punishment upon any student under any circumstances. Any employee who engages in corporal punishment against a student will be subject to discipline, including discharge. An administrator or supervisor will report the employee to CPS consistent with Policy 4202.

C. Alternatives to Corporal Punishment

The Board has reviewed and approved the administration's list of alternatives to the use of corporal punishment. District administrators will distribute the list of alternatives to employees, volunteers, and contractors. See 4203-AG.

District employees must implement alternatives to corporal punishment. An employee may request assistance from other employees or administration when addressing student conduct.

D. Limited Use of Reasonable Force

Employees may use reasonable physical force upon a student as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. Use of reasonable force is permitted under any of the following circumstances:

1. to remove a student whose behavior is interfering with the orderly exercise and performance of school functions within a school or at a school-related activity, if that student has refused to comply with a request to refrain from further disruptive acts;
2. for self-defense or the defense of another;
3. to prevent a student from inflicting self-harm;
4. to quell a disturbance that threatens physical injury to any person;
5. to obtain possession of a weapon or other dangerous object upon, or within the control of, a student; or
6. to protect property.

Use of reasonable force upon a student must not, in light of all known factors, be excessive, unnecessary, or take place for a longer duration than is necessary to address the circumstance justifying the use of reasonable force.

E. Training

The District may provide training to employees on the use of reasonable force and physical intervention techniques. If the District has provided that training to an employee, the employee must comply with that training.

F. Seclusion and Restraint

Employees must comply with Policy 5211 on Seclusion and Restraint of students and federal and state law. An employee's illegal use of seclusion or restraint may result in discipline, including discharge.

Legal authority: MCL 380.1307, 380.1307a-h, 380.1312

Date revised:

4204 Confidentiality of Student Information

Employees must maintain and protect the confidentiality of student information and student education records (as defined in Policy 5309) and recognize parent/guardian rights to student information about their minor child(ren).

Employees must not disclose to third parties confidential student information or records, medical information, performance records, or behavior records unless appropriately authorized. This Policy prohibits disclosure to employees who do not have a legitimate educational interest in the student record.

Disclosure is appropriately authorized with a written release from the parent/guardian or student 18 years or older in accordance with the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), implementing regulations, and state law.

Employees who receive a subpoena seeking disclosure of student records or other confidential information must immediately notify the Superintendent or designee. Employees must not speak with an attorney who does not represent the District about a student without approval from the Superintendent or designee.

Legal authority: 20 USC 1232g, 1415(b); 34 CFR 99; MCL 380.1136; MCL 600.2165

Date revised:

4205 Hiring and Background Checks

The District is committed to prohibiting unlawful discrimination in its hiring practices consistent with Policy 4101. Hiring decisions are based on qualifications, skills, knowledge, abilities, education, certifications/licenses, experience, demeanor, and other criteria the Board may deem relevant. In making hiring decisions, the Board or designee will consider enrollment, operational requirements, financial needs, and the District's best interests.

A. Advertising and Posting

Vacancies may be posted on a designated website or other location and distributed to appropriate employee groups or relevant professional associations. The posting may outline general duties, qualifications, pay range, work experience, and hours. Vacancies may be posted for at least two (2) calendar days unless a different time period is specified in a collective bargaining agreement. Applications must be submitted to the central office unless otherwise designated. The District may establish an online application process. Postings will comply with applicable collective bargaining agreements.

B. Hiring

The Board will determine the hiring process for the Superintendent. For all other positions, the Superintendent or designee will determine the process to consider and interview qualified applicants. The Superintendent or designee is authorized to hire non-exempt staff, temporary, and substitute employees. Teachers, Non-Teaching Professionals, Supervisors, and Administrators that the Superintendent or designee recommends for hire are subject to Board approval.

The District will not consider an applicant for employment unless the applicant provides the District with the following:

1. written consent for the criminal records division of the Michigan State Police to conduct the criminal history check required by Revised School Code Section 1230 and the criminal records check required by Revised School Code Section 1230a;

2. a signed statement that complies with Revised School Code Section 1230b(1); and

3. other required application materials.

Falsification or misrepresentation of credentials, qualifications, references, or application materials will be grounds for disqualification or discipline, including discharge.

C. Background Checks for Employees, Contractors, and Volunteers

1. The District will conduct a background check on a selected applicant upon an offer of employment or before a person is assigned to regularly and continuously work under contract in any of its schools. The Superintendent or

designee will receive and review the results of the background check before the District employs or allows the person to regularly and continuously work under contract in any of its schools, unless otherwise permitted by law.

2. "Regularly and continuously work under contract" means any of the following:

   a. to work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with the District to provide food, custodial, transportation, counseling, or administrative services or to provide instructional services to pupils or related and auxiliary services to special education pupils;

   b. to work at school on a more than intermittent or sporadic basis as a person under a contract with the District to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

3. "School" means in a classroom, elsewhere on District property, or on a school bus or other school-related vehicle.

4. The background check will include:

   a. a criminal history check pursuant to Revised School Code Section 1230;

   b. a criminal records check pursuant to Revised School Code Section 1230a;

   c. an unprofessional conduct check pursuant to Revised School Code Section 1230b; and

   d. if a certification is required for the position, such as a teaching certificate or administrator certificate, District verification that the person's certification is valid.

   The background check may include any other matters the District deems relevant, such as verifying references, school transcripts, and prior employment, as may be permitted by law.

   If the criminal history check report, criminal records check report, or any other report discloses that the person has been convicted of a listed offense as defined in MCL 28.722, and the District verifies the conviction using public records, the District must not employ the person or allow the person to regularly and continuously work under contract in any of its schools. If any of the reports disclose that the person was convicted of a felony as defined in MCL 761.1, and the felony is not a listed offense, and the District verifies the conviction using public records, the District must not employ the person or allow the person to regularly and continuously work under contract in any of its schools unless the Superintendent and the Board each specifically approve the employment or assignment in writing.

Employment offers are contingent on the Superintendent's or designee's review of the background check results.

All the information the District obtains via the criminal history check report, criminal records check report, or any other report that discloses that the person has been convicted of a listed offense will be maintained pursuant to 4205-AG-1.

5. Confidentiality

All the information the District obtains via the criminal history check report, criminal records check report, or any other report that discloses that the person has been convicted of a listed offense are to be considered confidential and will not be released except pursuant to 4205-AG-1(C)(5). Violation of confidentiality is a misdemeanor punishable by a fine up to $10,000.

Notification from the Michigan Department of Education or Michigan State Police about a District employee's criminal conviction is exempt from FOIA for the first fifteen (15) days until the information is verified. Once verified, only information regarding physical or sexual abuse may be released. The employee may release the information with written authorization.

D. Other Post-Offer Considerations

The District will not make disability-related medical inquiries or inquire about an applicant's disability-related requested accommodation(s) until after a conditional job offer is made, consistent with Policy 4105. Based on the physical and mental demands of a position, an examination and/or drug test may be required following a conditional offer of employment. The examination will be performed by a health care provider identified by the Superintendent or designee at the District's expense.

Legal authority: MCL 28.722; MCL 380.1230, 380.1230a, 380.1230b; MCL 761.1

Date revised:

4205-AG-1 Criminal Justice Information Security (Non-Criminal Justice Agency)

The District will conduct background checks, consistent with Policy 4205(C) and Administrative Guidance 4205-AG.

4206 Employment Contracts

Professional Staff, Administrators/Supervisors, and the Superintendent, as defined in Policies 4401, 4501, and 4601, will be employed pursuant to an individual employment contract and any applicable collective bargaining agreement. Non-Exempt Staff, as defined in Policy 4301, will be employed at-will unless an applicable collective bargaining

agreement or individual employment contract specifies another standard of employment security.

Employment contracts will comply with applicable laws and regulations. The President or Superintendent or designee, as applicable, should consult with Board legal counsel about contract terms and requirements to ensure compliance with state and federal law.

A. Authority

The President is authorized to execute the Superintendent's contract on behalf of the Board upon Board approval of the contract. Teacher contracts must be approved by the Board and signed on behalf of the District by a majority of the Board, the President and Secretary, or the Superintendent or designee. The Superintendent is authorized to execute employment contracts for Non-Exempt Staff and temporary and substitute employees on the Board's behalf or upon Board approval, where necessary.

B. General Requirements

Individual employment contracts required or permitted under this Policy may contain at least the following, as applicable to the category of employment:

1. employee name;
2. term of employment;
3. annual salary or hourly rate;
4. merit pay and annual evaluation for teachers and required administrator;
5. job title;
6. number of work days and general hours of work;
7. certification and licensing requirements;
8. benefits (health insurance, leave time, etc.);
9. reduction in force and recall;
10. discipline, discharge, and transfer during the contract term;
11. a provision prohibiting an Administrator from engaging in conduct involving moral turpitude and a provision allowing the Board to void the contract if the Administrator violates the moral turpitude provision;
12. date and employee signature;
13. date and signature of authorized District representative; and
14. other terms as necessary to serve the District's interests or that are legally required.

C. Specific Requirements

Professional Staff, Administrator, and Superintendent contracts must comply with the following, as applicable:

1. Superintendent

   The contract term will not exceed 5 years, as required by Revised School Code Section 1229.

2. Administrators

   For Administrators subject to Revised School Code Section 1229, the contract term will not exceed 3 years and the contract will automatically terminate if the Administrator does not hold the required certification. The Administrator will not have tenure in the administrative position.

   The Superintendent or designee will ensure that Administrator contracts are consistent with any applicable collective bargaining agreement. The term "Administrator" includes instructional Supervisors and Directors.

3. Non-Instructional Supervisors or Directors

   Unless otherwise required by law, Non-Instructional Supervisors or Directors are not required to hold an Administrator certificate and may be subject to an individual employment contract for up to 3 years.

4. Professional Staff

   The Superintendent or designee will ensure that all Professional Staff contracts are consistent with any applicable collective bargaining agreement. Individual teacher contracts will comply with Revised School Code Section 1231. If a teacher seeks appointment to an extracurricular position, the District may enter into a separate written contract for the extracurricular position.

D. Collective Bargaining Agreements

The Board, with the Superintendent or designee, will determine who will represent the Board in labor negotiations. The designated negotiator(s) may sign tentative agreements during bargaining; however, the final agreement is subject to ratification by the Board. Collective bargaining agreements may be reviewed by legal counsel before bargaining begins.

Legal authority: MCL 380.11a(3), 380.601a(1), 380.623(1)(b), 380.634, 380.1229, 380.1231, 380.1246

Date revised:

4207 Third-Party Contracting

This Policy must be implemented consistent with Policy 1101. Unless expressly prohibited by a collective bargaining agreement and to the maximum extent permitted by law, the Board or designee may contract with third parties as determined by the Board.

Any selected third-party contractor must fully comply with Policies 2202 and 4205(C).

Legal authority: MCL 380.11a(3)

Date revised:

4208 Applicant and Employee Criminal Arrest, Charge, Conviction

A. Criminal Charge

If an applicant or employee is charged with any felony or crime listed in Revised School Code Section 1535a(1) or 1539b(1), or a substantially similar crime in another jurisdiction, the person must report to MDE and to the Superintendent that the person has been charged with that crime. The person will abide by all reporting requirements in Revised School Code Section 1230d. The reports to MDE and the Superintendent must be made within 3 business days after being charged with the crime. Failure to appropriately report will result in a referral to law enforcement and possible discipline, including discharge.

B. Tenured Teacher Salary Pending Criminal Charge

If criminal charges are pending against a tenured teacher, the Board may act to: (a) suspend the teacher from active performance of duty; (b) proceed on tenure charges filed against the teacher; and (c) place the teacher's salary in an escrow account. Health or life insurance benefits, or both, may be discontinued during the suspension at the Board's option.

Before placing a tenured teacher's salary in an escrow account, the Board must provide the teacher with: (a) notice of tenure charges; (b) an explanation of the District's evidence; and (c) an opportunity to respond to the charges, either in writing or in person.

If an administrative law judge issues a preliminary decision and order to reinstate the teacher or for payment of salary lost by the teacher during the suspension, the Board will release the money in the escrow account to the teacher.

C. Employee Criminal Convictions

An employee convicted of a "listed offense," as defined in MCL 28.722, whether a felony or misdemeanor, will be discharged after appropriate due process. An employee convicted of a felony that is not a listed offense may only continue employment with the written approval of the Superintendent and the Board. An

employee convicted of a misdemeanor that is not a listed offense may be discharged, in the Board's discretion, consistent with law and the applicable collective bargaining agreement or individual employment contract.

D. Tenured Teacher Salary Upon Criminal Conviction

If a teacher is convicted of a felony that is not a listed offense or a misdemeanor that is a listed offense, the Board may discontinue the teacher's salary effective on the conviction date. If the teacher is convicted of a felony that is a listed offense, the Board will discontinue the teacher's salary effective on the conviction date.

E. This Policy does not limit the Board's or designee's discretion to proceed with employee discipline, including discharge, before completion of any criminal proceedings.

Legal authority: MCL 38.103; MCL 380.1230, 380.1230a, 380.1230d, 380.1230g, 380.1535a(1), 380.1539b(1)

Date revised:

4209 Prohibition Against Abortion Referrals and Assistance

A District official, Board member, or District employee shall not refer a student for an abortion or assist a student with obtaining an abortion. This prohibition does not apply to a person who is the parent or legal guardian of that student.

If a parent/guardian of a student enrolled in the District believes that a District official, Board member, or District employee has violated this Policy, the parent/guardian may file a complaint with the Superintendent, who will investigate the complaint and, within 30 calendar days after the date of the complaint, provide a written report of his/her finding to the complainant and to the Superintendent of Public Instruction in accordance with state law. If a violation is substantiated, the Board or designee will discipline that person in accordance with the law, Board Policy, and any applicable collective bargaining agreement or individual employment contract. See Policy 2303. The Superintendent or designee will take corrective action to ensure that there is no further violation.

Legal Authority: MCL 380.1507; MCL 388.1766, 388.1766a

Date Revised:

4210 Drug and Alcohol Free Workplace; Tobacco Product Restrictions

A. General

Employees serve as role models to students at school and in the community. Employee substance abuse constitutes a threat to the physical and mental well-

being of employees and students and significantly impedes job performance and effectiveness.

The District maintains a drug and alcohol free workplace. In addition, to the extent permitted by law, the District strives to maintain a tobacco product free workplace.

B. Definitions

1. "Illicit substance" means any consumable alcohol; illegal drugs, including but not limited to those substances defined as "controlled substances" pursuant to federal or state law; marihuana; anabolic steroids, human growth hormones or other performance-enhancing drugs; and substances purported to be illegal, abusive, or performance-enhancing (i.e., "look-alike" drugs). This definition also includes any other substance used by an employee as an intoxicant.

2. "District premises" means District buildings, facilities, or other District property which is owned, leased, or used for a District purpose or District-owned vehicles or vehicles used for a District purpose.

3. "District purpose or function" means a District-sponsored or District-approved activity, event, function or other activity performed by an employee under the District's jurisdiction, which is within the scope of employment, duties, or job description.

4. "Tobacco product" means a form of tobacco intended to be inhaled, chewed, or placed in a person's mouth.

5. "Under the influence" means the use or misuse of an illicit substance or other intoxicant (including over-the-counter and prescription medication) by an employee that in any degree impairs, negatively affects, or tends to deprive that person of any physical or mental capacity normally possessed and required to perform job responsibilities.

6. "Reasonable suspicion" means specific, contemporaneous, and articulable observations concerning an employee's behavior, speech, appearance, and odor that suggests the employee is under the influence of an illicit substance.

C. Standards of Conduct

Employees are prohibited from the following conduct on District premises or at a District function:

1. manufacturing, selling, soliciting, possessing, using (including application, injection, inhalation, or ingestion), dispensing, or distributing any illicit substance;

2. being under the influence as defined in this Policy;

3. misusing over-the-counter and prescription medications;

4. manufacturing, selling, soliciting, dispensing, or distributing any tobacco product; or

5. using a tobacco product on District premises, except:

    a. at outdoor areas including, but not limited to, an open-air stadium, on Saturdays, Sundays, and other days on which there are no regularly scheduled school hours, or

    b. after 6 p.m. on days during which there are regularly scheduled school hours;

Violating these standards will subject an employee to discipline, including discharge.

If a reasonable suspicion exists that an employee is under the influence, the Superintendent or designee may direct the employee to submit to a drug test or breathalyzer. Employees in safety sensitive positions may be subject to random or suspicion less tests. If the employee refuses, the employee may be subject to discipline, including discharge, based on the District's observations.

D. Reporting Requirements for Transportation Employees Subject to Omnibus Transportation Employee Testing Act

An employee subject to the Omnibus Transportation Employee Testing Act must notify the Superintendent or designee of any criminal drug conviction for a violation occurring in the workplace no later than 5 calendar days after that conviction. Upon receiving notice of an employee's conviction of a criminal drug violation occurring in the workplace, the Board or designee must take appropriate action within 30 calendar days.

Legal authority: 20 USC 7101 et seq.; 41 USC 8101 et seq.; 42 USC 12101 et seq.; Schedules I-V of Chapter 13 of the Controlled Substances Act, 21 USC 812; 29 USC 701 et seq.; MCL 37.1211; Schedules 1-5 of the Michigan Uniform Controlled Substances Act, MCL 333.7201 et seq.; MCL 380.11a, 380.601a; MCL 436.1101 et seq.; MCL 750.473.

Date revised:

4211 Alcohol and Controlled Substances for Transportation Employees Subject to the Omnibus Transportation Employee Testing

A. General

Employees subject to the Omnibus Transportation Employee Testing Act, as amended (OTETA), must be mentally and physically alert at all times while on duty. This Policy establishes an alcohol and controlled substances testing program for

such District employees (both regular and substitute) who perform safety-sensitive functions as mandated by OTETA.

The Superintendent or designee will comply with OTETA and implement an alcohol and controlled substances testing program consistent with OTETA.

B. Definitions

1. "Controlled Substance" means any drug or substance, the possession or use of which is prohibited under federal or state law, or any drug that is being used illegally (e.g., a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity). For purposes of this Policy, marihuana is a Controlled Substance.

2. "Covered Employee" means an employee (including a substitute) who operates or maintains a commercial motor vehicle in interstate or intrastate commerce and is subject to the commercial driver's license requirements.

3. "Illegal Drug" means any drug or substance, including marihuana, the possession or use of which is unlawful pursuant to federal or state law or local ordinance.

4. "Safety-Sensitive Function" means all tasks associated with the operation or maintenance of District vehicles.

5. "While on Duty" means the time from which the Covered Employee begins to work or is required to be in readiness for work until the time the Covered Employee is relieved from work and all responsibility for performing work.

C. Standards of Conduct

Compliance with conduct standards set forth in Policy 4210, as well as with this Policy's testing procedures, is mandatory. Disciplinary sanctions, including discharge, may be imposed on a Covered Employee for violating this Policy.

Failure to comply with testing procedures by a Covered Employee includes:

1. refusing to take a test, failing to appear to take a test, failing to provide a specimen or a sufficient specimen (absent adequate medical justification), failure to remain at the testing site until completion of the testing process, or failure to sign a test consent form;

2. failure to cooperate in the testing process;

3. in the case of direct observation or monitored collection of a Controlled Substances test, failure to permit observation or monitoring of the Covered Employee's provision of a specimen; or

4. engaging in evasive testing actions intended to compromise the validity of the test results, including switching, substituting, adulterating, or otherwise compromising test samples.

D. Authorized Use of Prescription and Over-the-Counter Medication

A Covered Employee using a prescription that has been prescribed for the Covered Employee by a health care provider or an over-the-counter medication is responsible for being aware of any potential effects the medication may have on his/her ability to safely perform his/her duties.

E. Consequences for Violating Standards of Conduct

After determining that a Covered Employee violated 1 or more of the conduct standards for alcohol or Controlled Substances, the Covered Employee will be:

1. immediately removed from any duty which involves the performance of a Safety-Sensitive Function; and

2. subject to discipline, including discharge.

F. Voluntary Requests for Alcohol or Substance Abuse Evaluation, Counseling, or Treatment

A Covered Employee who voluntarily requests to participate in alcohol or substance abuse evaluation, counseling, or treatment through the District before being tested or being requested to be tested will be referred to a substance abuse professional to determine what assistance, if any, the Covered Employee needs in resolving problems associated with alcohol misuse or Controlled Substance use.

A request for evaluation, counseling, or treatment following the performance of a Safety-Sensitive Function will not preclude discipline for substantiated misconduct or other inappropriate behavior. The District will not impose a disciplinary sanction under this Policy solely because a Covered Employee has made a voluntary admission of alcohol or Controlled Substance abuse, consistent with the Policy.

The District will allow a Covered Employee who has self-identified as an abuser of alcohol or another substance sufficient opportunity to seek evaluation and treatment.

Where a Covered Employee has self-identified, the District will require that employee to undergo return-to-duty testing for alcohol and Controlled Substances and may also require follow-up testing.

The District is not required to pay for voluntary evaluation, counseling, or treatment; or to pay an employee for time spent in a voluntary evaluation, counseling, or treatment program.

G. Testing for Alcohol or Controlled Substances

Alcohol or Controlled Substances testing will be administered as follows:

1. Pre-Employment/Pre-Duty Testing

   Before employment or the first time a Covered Employee performs a Safety-Sensitive Function, he/she must receive from a medical review officer a test result verified as negative. If a pre-employment test is positive or the pre-employment alcohol test result indicates a blood alcohol concentration of 0.02 or greater, the applicant will not be hired.

2. Post-Accident Testing

   As soon as practicable following an accident, but no later than 8 hours (alcohol test) or 32 hours (controlled substances test), testing will be conducted on each Covered Employee involved in the accident if the accident resulted in loss of human life or a citation was issued for a moving traffic violation arising from the accident. A Covered Employee who is subject to post-accident testing must remain readily available for testing or, if not available, will be deemed to have refused to submit to testing.

3. Return-to-Duty Testing

   A Covered Employee may be required to undergo testing with a verified negative result before returning to duty in compliance with OTETA.

4. Follow-Up Testing

   A Covered Employee identified by a substance abuse professional as needing assistance associated with alcohol misuse or use of a controlled substance, and who has returned to duty involving the performance of a safety-sensitive function, is subject to unannounced testing (consisting of at least 6 tests) over the first 12 months after the Covered Employee's return to duty as directed by a substance abuse professional.

5. Reasonable Suspicion Testing

   A Covered Employee will undergo testing as a result of reasonable suspicion that the Covered Employee has violated the conduct standards for alcohol or Controlled Substances based on specific, contemporaneous, articulable observations about the appearance, behavior, speech, or body odors of the Covered Employee while, just before, or just after performing a Safety-Sensitive Function.

   The supervisor or person who made the reasonable suspicion determination shall not conduct the test on the Covered Employee.

   A written record of the observations leading to a reasonable suspicion test must be made and signed by the supervisor or person who made the observations. This record must be made within 24 hours after the observed behavior or before the results of the test are released, whichever is earlier.

6. Random Testing

   Each year, random testing will be used at the rate of 20% (alcohol) and 50% (controlled substances) of the average number of active Covered Employees subject to testing.

H. Recordkeeping

The District will maintain a Covered Employee's alcohol or controlled substance testing records and results separate from the employee's personnel file in a secure location with restricted access. Record retention will be for periods and in a manner required by applicable federal regulation.

I. Confidentiality

Except as expressly authorized by law or regulation, neither the District nor any person or agency contracting with the District for alcohol or controlled substance testing services will release information about a Covered Employee's test results without the Covered Employee's written consent.

J. Dissemination

The Superintendent or designee is responsible for distributing this Policy and other educational materials pertinent to federal regulations to all Covered Employees. These materials will include:

1. the categories and classifications of District employees who are Covered Employees subject to this Policy;

2. the identity of those persons designated by the District to answer questions about this Policy and applicable regulations;

3. information about the Safety-Sensitive Functions performed by Covered Employees to make clear what period of the work day the employee must be in compliance with this Policy and applicable regulations;

4. specific information about conduct prohibited by the Policy and applicable regulations;

5. identification of the circumstances under which a Covered Employee will be tested for alcohol and/or Controlled Substances;

6. identification of the procedures that will be used to test for alcohol and Controlled Substances, to protect a Covered Employee, to safeguard the validity of test results, and to ensure that those results are attributed to the correct employee, including post-accident information and procedures;

7. a requirement that Covered Employees submit to alcohol and Controlled Substances testing, together with an explanation of what constitutes a refusal

to submit to alcohol or Controlled Substances testing and the attendant consequences to the Covered Employee;

8. identification of the consequences for a Covered Employee's violation of this Policy, including removal from performing safety sensitive functions;

9. identification of the consequences for a Covered Employee found to have an alcohol concentration of .02 or greater but less than .04;

10. information about the effects of alcohol and Controlled Substances use on a person's health, including signs and symptoms of alcohol or Controlled Substances abuse and available methods of intervention;

11. the requirement that identified personal information collected and maintained by the District to implement this Policy and applicable regulations will be reported as required by law; and

12. information about additional District Policies (including Policy 4210) on the possession and use of alcohol and Controlled Substances, including the consequences for violation of those Policies. The information will indicate that additional Policies are based upon the District's authority independent of federal regulations requiring alcohol and Controlled Substances testing of Covered Employees.

The Superintendent or designee shall ensure that each Covered Employee signs a statement certifying receipt of this Policy and the above materials.

Legal Authority: 49 USC 31301 et seq., and its promulgated regulations; MCL 257.1849; MCL 380.11a, 380.601a

Date revised:

4212 Employee Assistance Program

The District may require an employee with performance difficulties due to substance abuse, as a condition of continued employment, to receive confidential assistance for a wide range of personal and work-related concerns. Assistance may include participation in a substance abuse assistance or rehabilitation program (Program) consistent with approved leave time, an individual employment contract, Policy, and applicable collective bargaining agreements.

The employee's health benefits plan may cover the cost of enrolling the employee in the Program. If the employee's health benefits plan does not cover the cost, the District will not be responsible for the cost to the extent permitted by law.

Seeking assistance or rehabilitation does not affect the District's authority to implement discipline, including discharge, for inappropriate conduct.

Legal authority: MCL 380.11a(3), 380.601a

Date revised:

4213 Anti-Nepotism

A. General

Employment decisions motivated by nepotism, as defined below, are prohibited to avoid conflicts of interest, favoritism, and lost productivity. Employment decisions will be based on qualifications, experience, and other legitimate business reasons. This Policy applies to all categories of employment including regular, temporary, and part-time classifications.

B. Definitions

1. "Nepotism" means favoritism in the workplace based on a relationship with a relative or significant other.

2. "Relative" means a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, niece, nephew, or corresponding in-law, step, or adopted relative.

3. "Significant others" means (1) persons engaged to be married, (2) persons involved in a romantic or personal relationship, or (3) persons who are cohabitating.

C. Employment Decisions

The District may employ relatives and significant others in the absence of nepotism. In making employment decisions, including hiring, placement, supervision, directing work, promoting, compensating, evaluating, and disciplining employees who are a relative or significant other, an employee should:

1. disclose the existence of any relationships subject to this Policy to the Superintendent or designee;

2. avoid conflicts of interest, as defined in Policy 4201, and any appearance of a conflict of interest; and

3. avoid favoritism and any appearance of favoritism.

An employee's relative or significant other should not be hired to work in any position in which the Board or designee concludes a conflict of interest or the appearance of a conflict of interest may exist. Relatives and significant others are permitted to work at the District provided one does not report directly to, supervise, evaluate, or manage the other. The Superintendent or designee, or the Board, as applicable, may make exceptions to this Policy.

Supervisors and subordinates who become relatives or significant others while employed may be subject to transfer, reassignment, or other action based on the need for compliance with this Policy.

Legal authority: MCL 380.11a, 380.601a

Date revised:

4214 Outside Activities and Employment

A. General

An employee's duties to the District take precedence over other outside obligations while performing District duties or during work hours. An employee may not engage in other activities that adversely impact school employment or operation or that interfere with the employee's duties.

Except as otherwise provided in these Policies, an employee may secure additional employment, participate in business ventures, and serve as a volunteer. Such activities must not interfere with an employee's ability to carry out the employee's responsibilities, to serve as a role model in the community, or adversely impact the District's reputation.

Employees must communicate with a supervisor before engaging in outside activities where a conflict of interest (as defined in Policy 4201) or the appearance of a conflict of interest or impropriety may exist.

B. Conduct Standards

Employees must fulfill their duties without conflict from outside employment or activities. Unless the Superintendent or designee grants written authorization, employees may not engage in the following outside activities:

1. provide private services, lessons, tutoring, or coaching for students assigned to the employee for additional remuneration;

2. conduct personal business during assigned duty hours;

3. represent, either expressly or by implication, that the District sponsors, sanctions, or endorses a non-District related activity, solicitation, or other endeavor;

4. sell, solicit, or promote the sale of goods or services to students or parents/guardians when the employee's relationship with the District is used to influence the sale or may be reasonably perceived as attempting to influence the sale;

5. sell, solicit, or promote the sale of goods or services to employees over whom the employee has supervisory or managerial responsibilities in a manner that the subordinate employee could reasonably perceive as coercive;

6. use employee, student, or parent/guardian information in connection with the solicitation, sale, or promotion of goods or services or provide that information to any person or entity for any purpose; or

7. use District personnel, facilities, resources, equipment, technology, property, or funds for personal financial gain or business activity.

C. Intellectual Property

Intellectual property includes written or artistic works, instructional materials, textbooks, curriculum, software, inventions, procedures, ideas, innovations, systems, programs, or other work product created or developed by an employee in the course and scope of performing District employment duties or during work hours, or derivative to District intellectual property, whether published or not. Such intellectual property will be the exclusive property of the District. The District has the sole right to sell, copy, license, assign, or transfer any and all right, title, or interest in and to that intellectual property.

Legal authority: 17 USC 101 et seq.; MCL 15.321 et seq., 15.401 et seq.; MCL 380.11a, 380.601a, 380.1805(1)

Date revised:

4215 District Technology and Acceptable Use Policy

The Board provides students, employees, volunteers, and other authorized users access to the District's technology resources, including its computers and network resources, for educational and other District purposes, in a manner that encourages responsible use. Any use of technology resources that violates federal and state law is prohibited.

Employees have no expectation of privacy when using the District's technology resources. Information and records on the District's network may be subject to disclosure under the Freedom of Information Act, and the District may monitor or access employees' electronic files, as deemed necessary.

Employees must not use District technology resources to record students, parents/guardians, or District personnel or to record a non-public meeting, unless performed for a legitimate educational purpose. The recording must be authorized by a supervisor or Policy. Unauthorized recording or dissemination of a recording may be subject to discipline, including discharge.

Employees must not use a password other than their own to access District technology resources unless authorized by a supervisor. Employees must protect their password(s)

from being used by others. An employee will be responsible for any misuse if the employee failed to adequately secure their password(s).

District technology resources are provided for District-related services. Employees must minimize personal use of District technology resources and are prohibited from using those resources when doing so interferes with the employee's job responsibilities or District operations.

Employees must not permit students to engage in non-instructional computer games, movies, videos, and activities during the work or school day, unless authorized by a supervisor.

Employees must not download unauthorized software or applications.

Employees must immediately notify the District's technology department of any unauthorized access to, misuse of, or interference with the District's technology resources.

Employees must abide by Policy 3116 pertaining to District Technology and Acceptable Use, including complying with the Children's Internet Protection Act and executing an Acceptable Use Agreement.

Legal authority: 47 USC 254; MCL 397.606

Date revised:

4216 Personal Communication Devices

"Personal communication devices" include employee-owned cell phones, computers, tablets, or any other device that enables an employee to access the internet or engage in communications through an application, social media, or any other communication method. Employee use of personal communication devices during the work day, including school-sponsored activities, and to conduct school-related business, is limited as follows:

A. except in emergencies, an employee's use of personal communication devices shall not interfere with instructional activities or work-related duties. Employees taking an authorized break may use personal communication devices in a manner that does not disrupt the District's operations or violate the confidentiality of students or others;

B. employees shall not use personal communication devices to access inappropriate content or engage in unlawful activities while on duty, on District property, or attending a District-related event;

C. employees must not use personal communication devices to inappropriately communicate with other employees, students, and parents/guardians;

D. employees must ensure that the District's records and files, including confidential student information, are only maintained on District-provided technology and that confidentiality is maintained. District records and files must not be stored on a personal communication device;

E. employees recognize that when a personal communication device accesses the District's network, the employee's use may become subject to the District's Acceptable Use Policy;

F. employees may not use their personal communication devices to record communications or images during the work or school day or at a school-sponsored event other than a public performance or sporting event, unless the employee has received permission from the Superintendent or designee. Dissemination of any recording is prohibited unless the Superintendent or designee approves that action in writing; or

G. unauthorized recording of communications or images of students, parents, co-workers, or non-public meetings is prohibited unless there is an educational purpose to do so, and may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date revised:

4217 Social Media

Employee use of social media while on District property, during work hours, or while using District-owned devices must not interfere with District educational purposes or work performance and must not be used in any manner that violates this Policy, Policy 4201, or federal or state law.

"Social media" refers to any publicly accessible internet-based service that enables a user to share communications, images, or videos with others or participate in social networking. Social media includes blogs and social networking sites.

While using social media on or off duty, an employee must:

A. not engage in criminal activity;

B. make clear that the employee's views or endorsement of political candidates and political parties are their own, not the District's, as applicable;

C. refrain from using a District email address to register on social networks, blogs, or other online tools for personal use;

D. engage in appropriate communications with students, parents/guardians, and District stakeholders and community members;

E. maintain student privacy and not disclose confidential student information;

F. report to the appropriate administrator(s) any behavior or activity which endangers student or staff security, safety, or welfare; and

G. refrain from engaging in behavior that disrupts or adversely impacts the efficacy of the District's operations.

Employee use of social media in violation of this Policy detracts from the District's educational mission, adversely impacts the District, and may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date revised:

4218 Employee Dress and Appearance

Employee attire conveys an important image to students and the community. Employees must maintain professional dress and appearance, including appropriate hygiene, cleanliness, and grooming.

Employees must, at a minimum, dress in accordance with the student dress code.

A. Administrators, Professionals, Paraprofessionals, and Office Employees

Administrators, professionals, paraprofessionals, and office employees must dress in business casual attire except as otherwise appropriate to their individual assignments. Attire must not distract other employees or students from the learning environment or pose a safety risk. Employees shall not dress in a manner that expresses partisan or political speech unless expressly permitted by law, a collective bargaining agreement, or approved in writing by a building administrator.

The building administrator may temporarily suspend all or a portion of the dress code when other factors support a lower dress expectation for employees (e.g., designated "casual days" or "spirit days").

B. Food Service, Custodial, Maintenance, Mechanic, and Transportation Employees

Subject to any applicable collective bargaining agreement, food service, custodial, maintenance, mechanic, and transportation employees must dress in attire appropriate to the work the employee is performing and will not pose a safety risk to the employee or others.

Closed-toe shoes are required. Steel-toed shoes may be required for custodians, maintenance, and mechanics. The District reserves the right to require uniform clothing as may be appropriate.

C. Enforcement

The Superintendent or designee has the discretion to make determinations about appropriate staff dress and appearance. Any violation of this Policy may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date revised:

4219 Attendance

Regular, reliable, and in-person attendance is an essential job function for employees, unless the Superintendent or designee approves the absence in writing. Employee absences or tardiness negatively impact the education of students and may impose unnecessary burdens on coworkers. Employees will be held accountable for adhering to their assigned schedule. Any deviation from an employee's assigned schedule must be approved in advance by the employee's supervisor or designee.

Consistent with any applicable collective bargaining agreement or individual employment contract, an employee must report absences as directed by the employee's supervisor or designee. The Superintendent or designee reserves the right to request verification for absences if reasonable grounds exist to believe that an employee is misusing leave, has misrepresented the reason(s) for the employee's absence, or a pattern of absenteeism exists. When possible, leave must be requested in advance per an applicable collective bargaining agreement, individual employment contract, employee handbook, Policy, or law.

An employee who violates this Policy may be subject to discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date revised:

4220 Use or Disposal of District Property

Employees are prohibited from using District property for personal use unless the Superintendent or designee approves the use in advance. Employee use of District property will be consistent with Policies 3304 and 4214.

After use, District property must be immediately returned to the appropriate location or department. The property must be returned in the same condition it was in at the time of acquisition. The employee is responsible for the cost of repair or replacement if the employee negligently or intentionally damages the District's property.

Employees may not dispose of District property without the supervisor's written approval. Employees may not take possession of discarded District property without written approval from the Superintendent or designee.

State law regulates the disposal, removal, or refusal to return District books, papers, or records. Retention and disposal of District books, papers, or records must conform with the State of Michigan's Records Retention and Disposal Schedule for Michigan Public Schools.

An employee who violates this Policy may be subject to discipline, including discharge, and civil and criminal prosecution.

Legal authority: MCL 380.11a(3), 380.601a; MCL 399.811; MCL 750.491

Date revised:

4221 Employee Speech

As role models, employees must exercise sound judgment in their interactions with students, parents/guardians, and members of the community and maintain a high degree of professionalism and objectivity. Employees must act within the scope of their respective duties and responsibilities.

A. Curriculum, Instruction, and Controversial Topics

   During instruction and discussion of controversial issues, employees must follow these guidelines:

   1. the issues discussed must be relevant to the curriculum and be part of a planned educational program;
   2. students and parents/guardians must have free access to appropriate materials and information for analysis and evaluation of the issues;
   3. employees must allow discussion of a variety of viewpoints so long as that discussion does not substantially disrupt the educational environment;
   4. the topic and materials used must be within the students' range, knowledge, maturity, and competence;
   5. employees must obtain pre-approval from the building principal before instructing students about sensitive or controversial issues; and
   6. employees must not advocate partisan causes, sectarian religious views, or self-propaganda of any kind during school or school-related functions. Employees may express a personal opinion as long as students are encouraged to reach independent decisions.

   Employees who are unsure of their obligations must confer with their building principal or supervisor.

B. Speech on Matters of Public Concern

The District respects and supports its employees' right as citizens to exercise free speech in a responsible manner.

Free speech rights are not absolute and are subject to restriction when the employee is acting within the course and scope of their employment.

When speaking as a citizen on a matter of public concern, an employee must not make written, verbal, online, or nonverbal statements that cause a substantial disruption to the school environment, violate federal or state law, or otherwise violate these Policies. An employee's right as a citizen to comment upon matters of public concern must be balanced against the District's interest in promoting the efficiency of the public services it performs through its employees.

Employees do not speak on behalf of the District or a school unless specifically authorized by the Board or Superintendent.

Legal authority: U.S. CONST. amend. I; Const 1963, art I, § 5

Date revised:

4222 Unauthorized Work Stoppage and Strikes

Employees are prohibited from engaging in a strike. A strike is the concerted failure to report for duty, the willful absence from a person's position, the stoppage of work, the refusal to perform or volunteer for duties that had been performed in the past, or the abstinence in whole or in part from the full, faithful, and proper performance of the employment duties for the purpose of inducing, influencing, or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment.

Employees who violate this Policy may be subject to discipline, including discharge, and financial penalties under the Public Employment Relations Act.

The District is prohibited from engaging in a lock-out, unless operations have been ceased, in whole or in part, due to a strike in violation of this Policy.

Legal authority: MCL 423.201, 423.202

Date revised:

4223 Resignation

The Superintendent or designee is authorized to immediately accept an employee's verbal or written resignation on the Board's behalf. When the Superintendent or designee accepts a resignation from an Administrator, Supervisor, Director, Teacher, or Non-Teaching Professional, the Superintendent or designee will notify the Board of the

resignation at its next meeting. The Superintendent or designee may notify the Board of Non-Exempt Staff resignations.

The Board may accept a Superintendent's verbal or written resignation.

A resignation is effective on the date of its acceptance or on a subsequent effective date specifically reflected in the offer of resignation and its acceptance.

Except as otherwise provided by law, a resignation is irrevocable upon acceptance.

Employees, other than teachers, must generally provide 30 days' advance written notice before resigning.

Teachers must provide written resignation notice at least 60 days before September 1, unless the Superintendent or designee consents to less advance notice. Otherwise, the Board may revoke the teacher's tenure rights as provided by the Teachers' Tenure Act.

Legal authority: MCL 38.111; MCL 380.11a(3)(d), 380.601a

Date revised:

4224 Personnel Files and Payroll Information

A. Contents

The District will maintain accurate and up-to-date personnel files. A personnel file will include the physical or electronic records kept by the District that identify an employee, to the extent that the record is used or has been used for, or may affect or be used for, that employee's qualifications for employment, hire, promotion, transfer, compensation, or discipline. Personnel files may be electronically stored, in whole or in part, by the District in a secure manner.

The District will not suppress or remove information about unprofessional conduct from a personnel file as required by Revised School Code Section 1230b, regardless of any contrary term in any applicable collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or other agreement.

B. Payroll Records

The District will record and maintain the following payroll information for all employees:

1. name and social security number;
2. address, including zip code;
3. birth date;

4. sex;
5. occupation;
6. time and day when work week begins;
7. hours worked each day and work week;
8. hourly pay rate;
9. total daily or weekly straight-time earnings;
10. total overtime earnings for each work week;
11. all additions to or deductions from wages;
12. total wages paid each pay period; and
13. date of payment and pay period covered by the payment.

C. Employee Review

Employees may request to review their personnel file at a reasonable and mutually agreed upon time, with or without union representation. A central office employee will be present during the review. Employees requesting a copy of the personnel file may be charged a fee.

If there is a disagreement with information contained in a personnel file, the District and the employee may mutually agree to remove or correct that information, unless it concerns substantiated unprofessional conduct. If the District does not agree to remove or amend the information, the employee may submit a written statement explaining the employee's position (not exceeding 5 sheets of 8-1/2" x 11" paper). The written statement will be included if the information is disclosed to a third party.

D. Third Party Disclosure

Personnel file contents may be subject to disclosure under the Freedom of Information Act (FOIA). Certain documents in a personnel file may be subject to mandatory or permissible disclosure exemptions under FOIA. Disclosure of other personnel file information may be specifically prohibited or limited by state and federal statute. Before releasing information in response to a FOIA request for documents within an employee's personnel file, the District will review those documents to identify permissible and mandated disclosure exemptions.

Criminal history checks, unprofessional conduct checks, drug test results, confidential personal references, medical information, and other confidential information will be maintained in a separate, secure file.

Absent an employee's written consent or authorization, the District will not release an employee's discipline records to a third party, pursuant to a FOIA request or otherwise, unless the District has provided the employee with notice via first class

mail to the employee's last known address, or another consented form of communication, which will be mailed on or before the day on which the information is released. Discipline more than 4 years old will not be disclosed unless the employee has executed a written release to disclose the records or as otherwise permitted by law, including Revised School Code Section 1230b.

Legal authority: MCL 15.231 et seq.; MCL 380.1230b; MCL 408.931 et seq.; MCL 423.501 et seq.

Date revised:

4225 Temporary Remote Work

The Board recognizes that in-person work is an essential function of school employment. The Superintendent or designee may, however, permit certain employee positions to work remotely on a temporary basis during a health or safety risk declared by a local, State, or federal governmental authority or in other extraordinary circumstances.

A. When determining whether to permit a position to work remotely in an extraordinary circumstance, the Superintendent or designee may consider the following factors:

   1. The duties of the position;

   2. The need to protect and access confidential student, personnel, and financial information;

   3. The need to supervise, direct, or evaluate students or personnel;

   4. The need to provide direct, physical services to students such as speech, physical, or occupational therapy;

   5. Working conditions outlined in the applicable collective bargaining agreement; and

   6. Other relevant factors as determined by the Superintendent or designee.

B. If the District is providing in-person instruction, the following employees may not work remotely, unless required pursuant to Paragraph C below or exempted by the superintendent:

   1. Professional Staff;

   2. Administrators/Supervisors;

   3. Bus drivers;

   4. Secretaries;

   5. Food service employees;

6. Custodians;
7. School nurses;
8. Daycare workers; and
9. Paraprofessionals.

C. Notwithstanding anything to the contrary in this Policy, an employee with a disability may request remote work as a reasonable accommodation under Policy 4105.

   Granting a request to perform work remotely shall be considered temporary and does not obligate the District to grant remote work as a continuing reasonable accommodation.

D. This Policy shall not limit the District's ability to determine the method of instruction to students or to provide instruction in the best interest of its students. The Board, or designee, has the authority to determine whether students will receive instruction in-person, remotely, or through an alternative method.

Legal authority: MCL 380.11a(3); 42 USC § 12101 et seq.

Date revised:

4226 Intentionally Left Blank

4227 Intentionally Left Blank

4228 No Expectation of Privacy

Employees have no expectation of privacy in connection with their use of District property and equipment. The District reserves the right to search District property, equipment, and technology issued or provided for the employee's use during the employee's District employment, including but not limited to the employee's office, desk, files, computer, or locker. Inspections may be conducted at any time at the District's discretion. A search of an employee's personal effects will comply with federal and state constitutional protections, laws, and regulations.

Date revised:

4300 Non-Exempt Staff

4301 Definition

"Non-exempt staff" may include transportation, custodial, maintenance, food service, clerical, and paraprofessional employees and other employees who do not meet an

exemption under the Fair Labor Standards Act or the Michigan Improved Workforce Opportunity Wage Act. The term does not include "exempt" professional staff, administrators, supervisors, or the Superintendent (as defined in Policies 4401, 4501, and 4601). Non-exempt staff are employed at-will and their employment may be altered or terminated at any time with or without cause, unless governed by a collective bargaining agreement or individual employment contract containing a different standard of employment security.

Legal authority: 29 USC 201 et seq.; MCL 380.11a(3), 380.601a; MCL 408.934a

Date revised:

4302 Employee Pay, Including Minimum Wage and Overtime

Non-exempt staff will receive hourly compensation at a rate not less than the hourly minimum wage required by federal or state law, whichever is greater. Wages will be paid for all hours worked, including for training time required by the District.

Non-exempt staff will receive overtime compensation at a rate of 1.5 times his/her regular hourly rate for work more than 40 hours in a work week, unless a higher rate is established through a collective bargaining agreement or other written agreement covering the non-exempt staff member. Paid leave time (e.g., vacation, sick, or personal days) will not count as hours worked for overtime compensation, unless otherwise stated in a collective bargaining agreement or individual employment contract.

Overtime work must be pre-approved by a supervisor and properly recorded.

If the non-exempt staff member is compensated at multiple hourly wage rates during a work week, the overtime rate will be based on a weighted blend (by hours worked at each wage rate) of the wage rates earned by the employee in the applicable work week.

Collective bargaining agreements and individual employment contracts may provide for additional overtime compensation.

Legal authority: 29 USC 201 et seq.; MCL 408.931 et seq.

Date revised:

4303 To Be Determined

4304 Employee Timekeeping Responsibilities

Non-Exempt Staff must record all hours worked in compliance with District procedures. Non-Exempt Staff will be compensated for authorized recorded hours worked, including preliminary and subsequent work activities and overtime. Timekeeping records should reflect actual time worked to ensure accurate payment of wages.

Substantiated falsification or misrepresentation of hours worked may result in discipline, including discharge.

Legal authority: 29 USC 201 et seq.; MCL 408.471 et seq.

Date revised:

4305 Michigan Paid Medical Leave Act (MPMLA)

A. General

Eligible Non-Exempt Staff may accrue and use paid leave as provided by the MPMLA. Applicable provisions of a collective bargaining agreement, individual employment contract, or handbook, which exceed the rights provided to Non-Exempt Staff under the MPMLA, remain in place.

This Policy does not apply to employees exempt from the overtime requirements of the Fair Labor Standards Act (e.g., employees meeting the FLSA's definition for the professional, administrative, or executive exemptions).

B. Definitions

1. Benefit year: the 12-month period from July 1 to June 30.
2. Family member:
    a. biological, adopted, or foster child, stepchild or legal ward, or a child to whom the eligible employee stands *in loco parentis*.
    b. biological parent, foster parent, stepparent, or adoptive parent or legal guardian of an eligible employee or an eligible employee's spouse, under the laws of any state, or a person who stood *in loco parentis* when the eligible employee was a minor child.
    c. grandparent, grandchild, and biological, foster, or adopted sibling.
3. All other MPMLA-defined terms apply to this Policy.

C. Eligibility

A newly hired Non-Exempt Staff member may not use accrued MPMLA leave until 90 calendar days after the staff member's start date, unless otherwise provided in a collective bargaining agreement, individual employment contract, or employee handbook.

A staff member is not eligible under the MPMLA if the member:

1. is "exempt" from the FLSA's overtime compensation requirements;

2. is employed by the District for fewer than 25 weeks in a calendar year for a job scheduled for 25 weeks or fewer;

3. worked, on average, fewer than 25 hours per week during the immediately preceding calendar year;

4. is subject to Improved Workforce Opportunity Wage Act Section 4b (i.e., an employee who is under age 20 and working as a trainee or is less than age 18);

5. is a variable hour employee as defined in 26 CFR 54.4980H-1;

6. is employed by a "temporary help firm" as described in Michigan Employment Security Act Section 29(1)(l); or

7. meets any other exclusion in MPMLA Section 2(e).

D. Accrual of MPMLA Leave

An eligible Non-Exempt Staff member will receive at least 40 hours of paid medical leave at the beginning of a benefit year or a pro-rated amount based on the Non-Exempt Staff member's start date. This paid medical leave consists of all paid leave time (e.g., vacation days, personal days, sick days, and other paid time off) that can be used for the purposes described below. Paid medical leave will not carry over from one benefit year to the next unless authorized in the relevant collective bargaining agreement, individual employment contract, or handbook.

E. Qualifying Circumstances

An eligible Non-Exempt Staff member may use accrued MPMLA leave for the staff member or the staff member's family member(s) for the following reasons:

1. mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or preventative medical care;

2. for a victim of domestic violence or sexual assault, any related medical care or counseling for physical or psychological injury or disability, victim services or legal services, judicial proceedings, or relocation related to or resulting from the domestic violence or sexual assault; or

3. for closure of an eligible Non-Exempt Staff member's primary workplace by order of a public official due to a public health emergency; for a Non-Exempt Staff member's need to care for a child whose school or place of care has been closed by order of a public official; or due to a determination by health authorities that the presence of an eligible Non-Exempt Staff member or family member in the community would jeopardize the health of others due to exposure to a communicable disease whether or not the eligible Non-Exempt Staff member or family member has actually contracted the communicable disease.

F. Use of MPMLA Leave

When requesting MPMLA leave, an eligible Non-Exempt Staff member must comply with the notice, procedure, and documentation requirements in an applicable collective bargaining agreement, individual employment contract, handbook, or as customarily required by the District. Upon District request, the Non-Exempt Staff member has 3 days to provide sufficient documentation substantiating eligibility for MPMLA leave.

In cases of domestic violence or sexual assault, sufficient documentation includes any of the following:

- a police report indicating that the eligible Non-Exempt Staff member or family member was a victim of domestic violence or sexual assault;
- a signed statement from a victim and witness advocate affirming that the eligible Non-Exempt Staff member or family member is receiving services from a victim services organization; or
- a court document indicating that the eligible Non-Exempt Staff member or a family member is involved in legal action related to domestic violence or sexual assault.

All health, sexual assault, and domestic violence information and documentation received from a Non-Exempt Staff member about MPMLA leave remains confidential and will not be disclosed, except to the staff member, with the staff member's written permission, or as and to the extent required by law.

Failure to comply with notice procedures for document requests to support the MPMLA leave may result in discipline, including discharge, or ineligibility for MPMLA leave.

Unless otherwise provided in an eligible Non-Exempt Staff member's collective bargaining agreement, individual employment contract, or handbook:

- MPMLA leave must be used in half (1/2) day increments;
- a Non-Exempt Staff member using MPMLA leave will not receive overtime pay, holiday pay, or bonuses for MPMLA leave time;
- upon discharge or other separation from employment, an eligible Non-Exempt Staff member automatically loses accrued MPMLA leave; and
- accrued MPMLA leave that is not used before a Non-Exempt Staff member's discharge or any other separation from employment will have no monetary value.

G. Notice and Recordkeeping

The District will provide notice of the MPMLA by displaying in a conspicuous location in each of its buildings the MPMLA poster created by the Michigan Department of Licensing and Regulatory Affairs.

The District will retain records of each Non-Exempt Staff member's accrual and use of MPMLA leave for not less than 1 year.

Legal authority: MCL 408.934b, 408.961 et seq.

Date revised:

4306 Assignment and Transfer

The Board authorizes the Superintendent or designee to assign and transfer Non-Exempt Staff to meet identified District needs, including curricular, fiscal, personnel management, or other operating reasons. The Superintendent's or designee's authority includes assignment, transfer, and the addition or removal of Non-Exempt Staff member's duties and responsibilities. In exercising authority pursuant to this Policy, the Superintendent or designee will comply with the applicable collective bargaining agreement or individual employment contract.

Legal authority: MCL 380.11a(3), 380.601a

Date revised:

4307 Performance Evaluation

The Superintendent or designee will determine the frequency of evaluations for Non-Exempt Staff not covered by a collective bargaining agreement that addresses evaluation frequency.

Unless an evaluation tool is specified in a Non-Exempt Staff member's collective bargaining agreement, the Superintendent or designee may select an evaluation tool that serves the District's best interests.

Non-Exempt Staff covered by a collective bargaining agreement or individual employment contract will be evaluated using the procedures and criteria set forth in that agreement.

Legal authority: MCL 380.11a(3), 380.601a

Date revised:

4308 Reduction and Recall of Non-Exempt Staff

The Board, in its sole discretion, may determine that a reduction in force of a Non-Exempt Staff member is appropriate due to curricular, fiscal, personnel management, or other operating conditions. A reduction in force may consist of a reduction of hours or personnel. Reductions in force and recalls are subject to Board approval.

A. Staff Subject to a Collective Bargaining Agreement or Individual Employment Contract

If the Board determines that a reduction of Non-Exempt Staff governed by a collective bargaining agreement or individual employment contract is necessary, the Superintendent will implement a reduction in force in conformance with the applicable agreement(s).

B. Non-Exempt Staff Not Subject to a Collective Bargaining Agreement or Individual Employment Contract Containing Reduction and Recall Provisions

1. Reduction in Force

The Superintendent or designee will make reduction in force recommendations to the Board. The Superintendent's or designee's recommendation to the Board may consider the following criteria for reduction, which are not in order of priority or weight:

a. programs and services to be offered;

b. employee qualifications, abilities, skills, and education;

c. federal, state, and local funding;

d. employment experience that is relevant to an assignment;

e. federal and state laws or regulations that may mandate certain employment practices;

f. special or advanced training that would be of present or future value to the District;

g. the organizational and educational effect caused by a reduction of Non-Exempt Staff member(s);

h. formal and informal evaluation of Non-Exempt Staff performance by a supervisor;

i. length of service with the District and within a classification; and

j. any other criteria that are rationally related to providing effective support services and operation of or administration of the District, such as discipline record and compliance with attendance Policies and procedures.

2. Notification

Notice will be provided as follows:

a. Before the Board considers a reduction in force, the Superintendent or designee will notify, in writing, each affected non-exempt staff member that the Superintendent or designee is recommending a reduction in force or hours that would affect the non-exempt staff member and the date and time of the Board meeting at which the Board will consider the reduction in force.

b. After the Board's decision on reduction in force, the Superintendent or designee will provide written notice of the Board's action to the affected non-exempt staff member(s).

c. A non-exempt staff member who is subject to a reduction in force must, during the period which the member is eligible for recall, provide the District with an accurate residential address, email address, and phone number and report any subsequent change in the employee's contact information. Failure to maintain current contact information may be deemed a waiver of recall rights.

d. The District may allow a laid off non-exempt staff member to be included on the District's list of substitutes at the Superintendent's or designee's discretion. If the District uses a laid off non-exempt staff member as a substitute, remuneration will be determined by the District or an applicable collective bargaining agreement.

C. Recall

A Non-Exempt Staff member subject to a reduction in force as described above will have preferred rights to recall to employment for a period of 12 months commencing on the date that the District implemented the reduction in force. The Non-Exempt Staff member will be recalled to any position within the member's classification. Recall decisions will be based on the criteria specified in subsection B.1 of this Policy.

A Non-Exempt Staff member who declines an offer of recall to a position comparable to that held at the time of layoff or for which he/she is otherwise qualified will be removed from the recall list and will forfeit any further employment rights with the District.

A Non-Exempt Staff member must respond within 10 days after the date the District sent notice of recall. Failure to do so may be deemed a waiver of recall rights.

Legal authority: MCL 380.11a(3), 380.601a

Date revised:

4309 Discipline and Termination

Discipline

The Superintendent or designee may discipline non-exempt staff for behavior warranting discipline, as determined by the Superintendent or designee, provided the discipline is not for an unlawful reason. Off-duty conduct may result in discipline if it adversely affects the District and is not a legally protected activity. Before discipline is imposed, the Non-Exempt Staff member will be provided notice of the alleged inappropriate behavior and an opportunity to respond to the allegations.

A Non-Exempt Staff member governed by a collective bargaining agreement or individual employment contract will be disciplined consistent with the procedures and standards specified within that agreement.

A Non-Exempt Staff member who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy 4108.

The Superintendent or designee will record discipline in writing, if warranted. Written discipline will be placed in the Non-Exempt Staff member's personnel file. The Non-Exempt Staff member may submit a written rebuttal letter consistent with Policy 4224.

Consistent with Revised School Code Section 1230b, unprofessional conduct will not be suppressed or removed from a personnel file.

Termination

A Non-Exempt Staff member is employed at-will and subject to discharge by the Superintendent or designee, with or without cause, provided the discharge is not for an unlawful purpose, unless a collective bargaining agreement, individual employment contract, law, Policy, or handbook provides otherwise.

Legal authority: MCL 380.1230b(6); MCL 423.501 et seq.; *NLRB v J. Weingarten, Inc.*, 420 US 251 (1975)

Date revised:

4400 Professional Staff

4401 Definition

A. General

Professional Staff primarily perform work that requires advanced knowledge or work that is intellectual in nature, consistent with the FLSA's definition of "professional." The Professional Staff member's area of expertise is related to learning or comes from prolonged course of study, including teachers and Non-

Teaching Professionals, but excluding Administrators/Supervisors (as defined under Policy 4501) and the Superintendent (as defined under Policy 4601).

B. Teachers

Teachers are professional persons who provide or direct instruction to students and must be appropriately qualified and certified for the assigned teaching position, consistent with federal and state law and District Policies. Each teacher shall maintain required qualifications and certification as a condition of that teacher's continued employment.

A classroom teacher employed by the District must: (1) have a valid Michigan teaching certificate or authorization to teach under Revised School Code Section 1233b; and (2) be assigned by the District to deliver direct instruction to students as a teacher of record.

A teacher must promptly notify the Superintendent or designee, in writing, if the teacher's certification or authorization expires, is revoked, or nullified. Failure to provide this written notice, whether willfully or negligently, may result in discipline, including discharge.

C. Non-Teaching Professionals

Non-Teaching Professionals are "other Professional Staff" who are not teachers and who meet the professional exemption under the FLSA, such as counselors (i.e., those counselors who are not certified teachers), social workers, teacher consultants, behavior specialists, speech pathologists (i.e. who are not certified teachers), physical or occupational therapists, nurses, and psychologists. A Non-Teaching Professional is not required by law to hold a teaching certificate or authorization for the assigned duties. Each Non-Teaching Professional must be qualified and certified as required by the Board or federal and state law. Each Non-Teaching Professional must maintain those qualifications and certifications as a condition of that person's continued employment.

A Non-Teaching Professional must promptly notify the Superintendent or designee, in writing, if the person's certification, license, or endorsement expires, is revoked, or nullified. Failure to provide this written notice, whether willfully or negligently, may result in discipline, including discharge.

Legal authority: 29 USC 201 et seq.; MCL 38.81 et seq.; MCL 380.1231, 380.1233, 380.1233b, 380.1236, 380.1237

Dated revised:

4402 Placement

This Policy must be implemented consistent with Policy 1101.

A. Teacher as Defined by Revised School Code Section 1249

The appropriate placement of effective teachers is an essential component in promoting student academic growth, educational outcomes, and quality educational services. The Superintendent or designee may make teacher placement decisions at their discretion consistent with this Policy.

Placement includes, but is not limited to, assignment, transfer, or the filling of a position with current staff or newly hired teachers. For vacant positions see Paragraph C (Vacancy).

Placement does not include reduction in force or recall decisions governed by Policy 4405.

1. Consistent with Revised School Code Section 1248, teacher placement decisions shall be based on the following clear and transparent factors:

    a. Staffing the curriculum with the most effective, certified, and qualified teachers to instruct the applicable courses, grades, and school schedule.

    b. Appropriate certification, approval, or authorization for all aspects of the assignment. The certification, approval, or authorization, as applicable, will be determined by the Revised School Code, MDE's Teacher Certification Code, MDE's Rules for Special Education Programs and Services, and other applicable statutes and regulations.

    c. Teacher placement decisions must be made based on teacher effectiveness criteria established in Revised School Code Section 1249 and Policy 4403.

    d. Teacher placement decisions will be guided by the following criteria:

        i. Retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the curriculum, academic level(s), and department(s).

        ii. Teachers must be properly certified, approved, or authorized for all aspects of their assignments. The teacher's certification, authorization, or approval status will be:

            A) Determined by the Revised School Code, MDE's Teacher Certification Code, MDE's Rules for Special Education Programs and Services, and other applicable statutes and regulations; and

            B) Based on documentation on file with the Superintendent's office.

                1) A teacher must maintain valid certification, approval, or authorization, as applicable, and is responsible for filing a copy of the certificate, approval, or authorization with the Superintendent's office in compliance with Revised School Code Section 1532.

2) If a teacher petitions for nullification of the teaching certificate or any endorsement, the teacher must promptly provide written notice of that petition to the Superintendent's office.

iii. In addition, teachers must be fully qualified for all aspects of their assignments, as determined by the Board, based on documentation on file with the Superintendent's office, including:

A) Compliance with applicable state or federal regulatory standards, including standards established as a condition to receipt of foundation, grant, or categorical funding;

B) Credentials needed for District, school, or program accreditation;

C) District-provided professional development, training, and academic preparation for an instructional assignment that is anticipated to contribute to the teacher's effectiveness in that assignment and is integrated into instruction;

D) Relevant special training, other than professional development or continuing education as required by state or federal law, and integration of that training into instruction in a meaningful way;

E) Disciplinary record, if any

F) Length of service in a grade level(s) or subject area(s);

G) Recency of relevant and comparable teaching assignments;

H) Previous effectiveness ratings;

I) Attendance and punctuality;

J) Rapport with colleagues, parents, and students;

K) Ability to withstand the strain of teaching;

L) Compliance with state and federal law; and

M) Other relevant factors as determined by the Superintendent or designee.

e. Length of service may be considered as a tiebreaker if a teacher placement decision involves 2 or more teachers and all other factors distinguishing those teachers from each other are equal.

B. Placement of Non-Teaching Professionals Not Subject to Revised School Code Section 1249

If a collective bargaining agreement or individual employment contract governs the Non-Teaching Professional's employment, the Superintendent or designee will comply with the applicable language on placement.

If a collective bargaining agreement or individual employment contract does not address the placement of Non-Teaching Professionals, the Superintendent or designee is authorized to place Non-Teaching Professionals at their discretion.

C. Vacant Positions

1. Vacancies may be posted consistent with Policy 4205. The Superintendent or designee determines when a vacancy exists. Generally, a vacancy is an unassigned, open position or a newly created position which the District intends to permanently fill.

2. Vacancies may be filled by a certified and qualified internal or external candidate consistent with this Policy. The Superintendent or designee has full discretion to assign Professional Staff or contractors to cover employee absences consistent with business necessity and operational needs.

Legal authority: MCL 380.11a, 380.601a, 380.1248, 380.1249

Dated revised:

4403 Performance Evaluation

Performance evaluations are essential to provide quality educational services and to measure competency. This Policy does not diminish the Board's authority or ability to non-renew a professional staff member's contract at the end of the contract's term, consistent with applicable statutes, collective bargaining agreements, Policies, and individual employment contracts. This Policy must be implemented consistent with Policy 1101.

A. Teachers as Defined by Revised School Code Section 1249

Teachers will be evaluated pursuant to a performance evaluation system consistent with Revised School Code Section 1249 and the Teachers' Tenure Act. This performance evaluation system will include, as appropriate, the following:

1. a year-end evaluation process that meets statutory standards;

2. an evaluation tool that incorporates components required by law, including:

   a. locally agreed-on student growth and assessment data or student learning objectives, as defined by Revised School Code Section 1249;

   b. the teacher's performance; and

   c. objective criteria.

3. an individualized development plan (IDP) with performance goals developed by the evaluator in consultation with the teacher and recommended training designed to improve the teacher's effectiveness for:

    a. all probationary teachers;

    b. teachers rated minimally effective or ineffective in the past two years;

    c. teachers rated needing support or developing in the past two years; or

    d. at the evaluator's discretion when performance deficiencies are noted.

4. classroom observations which include, at a minimum, a review of the teacher's lesson plan, the state curriculum standard used in the lesson, and pupil engagement, with appropriate written feedback; at least two observations of at least 15 minutes each and a post-observation meeting between the teacher and the school administrator conducting the observation to discuss those items;

5. additional evidence collected during classroom walkthroughs, professional development, staff meetings, and other school related activities;

6. a mid-year progress report, if required by law, which aligns with the teacher's individualized development plan, includes specific performance goals developed by the evaluator, and any recommended training identified by the evaluator;

7. a year-end performance evaluation effectiveness rating, of effective, developing, or needing support if after July 1, 2024; otherwise, a rating of highly effective, effective, minimally effective, or not effective;

8. tenured teachers rated as highly effective or effective on the 3 most recent consecutive year-end evaluations may be evaluated biennially or triennially, but if the teacher is not rated as effective on one of the year-end evaluations, the teacher must receive annual year-end evaluations;

9. a mentor for teachers rated developing or needing support or for teachers in the first year of probation;

10. opportunity for a tenured teacher rated needing support on a year-end evaluation to request a review consistent with Revised School Code Section 1249;

11. a tool approved by MDE, a modified MDE tool, or a local evaluation tool if adopted in compliance with Revised School Code Section 1249 and corresponding regulations;

12. website posting of required information for the evaluation tool;

13. training on the evaluation tool for teachers and evaluators as required by law; and

14. other components that the Superintendent or designee deems relevant, important, or in the District's best interests.

If a tenured teacher is rated ineffective or needing support on 3 consecutive year-end evaluations, the teacher shall be discharged consistent with due process. The District is not precluded from discharging a teacher at other times as provided by the Teachers' Tenure Act.

If a teacher receives an unevaluated rating, the teacher's rating from the school year immediately before the designation must be used.

B. Non-Teaching Professionals Subject to the Teachers' Tenure Act

The performance evaluation system for a Non-Teaching Professional with a teaching certificate subject to the Teachers' Tenure Act must include multiple observations. An IDP will be developed during the employee's probationary period. Except during the probationary period, which must include annual evaluations, the Superintendent or designee will evaluate the employee's performance at intervals determined by the Superintendent or designee. The Superintendent or designee has discretion to select and use an evaluation tool that serves the District's best interests.

The Superintendent or designee also has discretion to implement an IDP if performance deficiencies are noted, regardless of the employee's effectiveness rating.

To the extent required by law, a tenured Non-Teaching Professional subject to the Teachers' Tenure Act rated as needing support may request a review consistent with Revised School Code 1249.

C. Non-Teaching Professionals Not Subject to the Teachers' Tenure Act

For Non-Teaching Professionals without a teaching certificate who are not subject to the Teachers' Tenure Act, the Superintendent or designee will evaluate the employee's performance at intervals determined by the Superintendent or designee, except annual evaluation will be performed during the employee's probationary period. The Superintendent or designee has discretion to select and use an evaluation tool that serves the District's best interests.

An IDP may be established at the Superintendent's or designee's discretion.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a, 380.1233b, 380.1248, 380.1249; 380.1249a(2); MCL 423.215

Date revised:

4404 Performance Based Compensation for Teachers

The Superintendent or designee may implement a performance-based compensation system for Professional Staff. This Policy must be implemented consistent with Policy 1101.

Legal authority: MCL 380.11a

Date revised:

4405 Reduction in Force and Recall

This Policy must be implemented consistent with Policy 1101.

A. Reduction in Force and Recall for Classroom Teachers

When making program and staffing decisions resulting in the elimination of a teaching position or the recall of a teacher to a vacant teaching position, the Board will retain the most effective classroom teachers who are certified and qualified to instruct courses within the applicable curriculum, academic levels, and departments. The Board has the exclusive right to determine the size of the teaching staff based on curricular, fiscal, and other operating conditions. To the extent that the determinations involve Revised School Code Section 1248 requirements, the clear and transparent procedures of this Policy guides the implementation of that statute.

1. General Provisions

a. The Superintendent is responsible, acting within the approved budget, for establishing the number and nature of teaching assignments to implement the approved curriculum. If the Superintendent determines that insufficient funds are budgeted for the existing teaching staff or that a reduction in teaching staff is necessary due to program, curricular, or other operational considerations, the Superintendent will recommend to the Board the teaching positions to be reduced.

b. Reduction in force and recall decisions must be made based on teacher effectiveness criteria established in Revised School Code Section 1249 and Policy 4403.

c. Decisions about the reduction and recall of teachers will be guided by the following criteria:

i. Retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the curriculum, academic level(s), department(s), and school schedule(s). A probationary teacher rated as effective or highly effective on the teacher's most recent annual year-end performance evaluation is not

subject to displacement by a tenured teacher solely because the other teacher is tenured under the Teachers' Tenure Act.

ii. Teachers must be properly certified, approved, or authorized for all aspects of their assignments. The teacher's certification, authorization, or approval status will be:

A) Determined by the Revised School Code, MDE's Teacher Certification Code, MDE's Rules for Special Education Programs and Services, and other applicable statutes and regulations; and

B) Based on documentation on file with the Superintendent's office.

1) A teacher must maintain valid certification, approval, or authorization, as applicable, and is responsible for filing a copy of the certificate, approval, or authorization with the Superintendent's office in compliance with Revised School Code Section 1532.

2) If a teacher petitions for nullification of the teaching certificate or any endorsement, the teacher must promptly provide written notice of that petition to the Superintendent's office.

iii. In addition, teachers must be fully qualified for all aspects of their assignments, as determined by the Board, based on documentation on file with the Superintendent's office, including:

A) Compliance with applicable state or federal regulatory standards, including standards established as a condition to receipt of foundation, grant, or categorical funding;

B) Credentials needed for District, school, or program accreditation;

C) District-provided professional development, training, and academic preparation for an instructional assignment that is anticipated to contribute to the teacher's effectiveness in that assignment and is integrated into instruction;

D) Relevant special training, other than professional development or continuing education as required by state or federal law, and integration of that training into instruction in a meaningful way;

E) Disciplinary record, if any;

F) Length of service in a grade level(s) or subject area(s);

G) Recency of relevant and comparable teaching assignments;

H) Previous effectiveness ratings;

I) Attendance and punctuality;

J) Rapport with colleagues, parents, and students;

K) Ability to withstand the strain of teaching;

L) Compliance with state and federal law; and

M) Other relevant factors as determined by the Superintendent or designee.

iv. Teachers must provide the District with current information and documentation supporting the teacher's certification and qualifications.

A) Reduction and recall decisions will be based on the teacher's certification and qualifications in the District's records at the time of the decision.

B) A laid off teacher must maintain current contact information (address, phone, and email address) with the Superintendent's office.

C) Failure to maintain current contact information may negatively impact the teacher's recall.

v. Teacher reductions and recalls are by formal Board action.

vi. Before the Board authorizes a teacher reduction, the Superintendent or designee will notify, in writing, the affected teacher of an opportunity to respond, either in person or in writing, to the proposed reduction.

vii. The Superintendent or designee will provide written notice of Board reduction in force or recall decisions to each affected teacher.

viii. A teacher's length of service with the District or tenure under the Teachers' Tenure Act will not be the sole factor in reduction in force and recall decisions.

d. Teacher reduction in force decisions will be implemented by the following:

i. If 1 or more teaching positions are to be reduced, the Superintendent will first identify the academic level(s) or department(s) affected by the reduction. Among those teachers who are certified, approved, or authorized and qualified to instruct the remaining curriculum within the affected academic level(s) or department(s), selection of a teacher(s) for reduction in force will be based on the factors set forth in this Policy.

ii. Teachers within the affected academic level(s) or department(s) who are certified and qualified for the remaining positions will be retained consistent with the factors set forth in this Policy.

iii. When a teaching position is identified for reduction and there exists a concurrently vacant teaching position for which the teacher in the position to be reduced is both certified and qualified, and the teacher

has received an overall rating of at least effective on that teacher's most recent year-end performance evaluation, that teacher may be assigned to the vacant position consistent with Policy 4402 unless the Superintendent or designee determines that the District's educational interests would not be furthered by that assignment.

iv. If more than 1 teacher whose position has been identified for reduction is certified and qualified for a concurrently vacant teaching assignment, the Superintendent or designee will fill the vacancy consistent with Policy 4402, unless the Superintendent determines that the District's educational interests would not be furthered by that assignment.

v. If the reduction or recall decision involves more than 1 teacher and multiple teachers and all factors distinguishing those teachers from each other are equal, the Board may approve and implement a tiebreaker mechanism using a discrete part(s) of the evaluation system. For example, if the reduction or recall decision involves more than one teacher and all factors distinguishing those teachers from each other are equal, the teacher with the higher year-end effectiveness score reflected in the student engagement portion of the evaluation will have preference for reduction or recall, as applicable. If this year-end effectiveness score is also tied, seniority (as established by the most recent seniority list for the bargaining unit to which the tenured teachers belong or, if none exists, the District's records) will determine preference for reduction or recall.

vi. At least 30 calendar days' notice of reduction in force will be provided, absent extenuating circumstances.

2. Teacher Recall Process

a. A teacher is eligible for recall under this Policy for twelve (12) months from the date the District implemented the reduction in force.

b. The Superintendent will first identify the academic level(s) or department(s) where a teaching vacancy exists.

c. Before or in lieu of initiating the recall of a laid-off teacher, the Superintendent may reassign teachers to fill vacancies in accordance with Policy 4402.

d. After or in lieu of any reassignment of existing teaching staff, the Superintendent may take either of the following actions to fill a vacancy:

i. Recall the laid-off teacher who is certified and qualified for the vacancy, provided the teacher was rated at least effective. If more than 1 laid-off teacher is certified and qualified for recall to a vacant teaching assignment, the Superintendent or designee will fill the vacancy consistent with Policy 4402; or

ii. Post the vacancy and consider all applicants if the Superintendent determines that:

A) the District's educational interests would not be furthered by recalling an otherwise eligible laid-off teacher who meets the certification and qualification standards for the position, considering the factors in Policy 4402; or

B) no teacher on layoff meets the certification and qualification requirements for the position as otherwise stated herein.

e. The Superintendent or designee will provide written notice of the Board's recall decision to any recalled teachers and will establish the time within which a teacher must accept recall to preserve the teacher's employment rights.

f. A laid-off teacher who is offered an interview for a vacancy and who fails to appear at that interview forfeits all rights to recall and continued employment.

g. A laid-off teacher who is recalled and fails to accept recall by the time designated in the recall notice, or who does not report for work by the deadline specified in the recall notice after filing a written acceptance of recall with the Superintendent, will forfeit all rights to recall and continued employment unless the Superintendent, in the Superintendent's sole discretion, has extended the time limit in writing.

If a collective bargaining agreement or individual employment contract governs reduction in force or recall, the Superintendent or designee will adhere to the applicable language.

B. Reduction in Force and Recall of Non-Teaching Professionals Not Subject to Revised School Code Section 1249

For Non-Teaching Professionals governed by a collective bargaining agreement, the Superintendent will implement the collective bargaining agreement's standards and procedures that pertain to reduction in force or recall when recommending a reduction in force or recall to the Board.

If no collective bargaining agreement exists, or if an existing agreement does not address reduction in force or recall of Non-Teaching Professionals, the Superintendent will recommend a reduction in force or recall among Non-Teaching Professionals using the same standards and procedures as set forth in this Policy for teachers.

C. Unemployment Compensation

A teacher or Non-Teaching Professional who is laid off and who is paid unemployment compensation chargeable to the District during the summer

immediately following a reduction in force and who is recalled on or before the beginning of the next school year will be paid according to an annual adjusted salary rate such that the employee's unemployment compensation received plus the adjusted annual salary rate will be equal to the annual rate of salary the employee would have earned for the school year had the employee not been laid off.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a, 380.1248, 380.1249, 380.1532; MCL 423.215

Date revised:

4406 Professional Improvement Sabbaticals

The Board may, in its sole discretion and consistent with Revised School Code Section 1235 and any applicable collective bargaining agreement, approve a Professional Staff member's paid or unpaid leave of absence for the purposes of pursuing professional improvement (i.e., a sabbatical) or any other similar circumstance. A Professional Staff member seeking a leave of absence must apply in writing to the Superintendent or designee for presentation to the Board at least 60 days in advance. The leave of absence will be consistent with any applicable collective bargaining agreement or individual employment contract. If necessary, the Board will negotiate a letter of agreement with the appropriate bargaining unit to approve a Professional Staff Member's paid or unpaid leave of absence for the purposes of pursuing professional improvement or any other similar circumstance.

Legal authority: MCL 380.1235

Date revised:

4407 Discipline

Maintaining appropriate procedures and standards for addressing misconduct and other inappropriate behavior by Professional Staff is a critical component in furthering an effective educational environment and in providing quality educational services to students. Off-duty conduct may result in discipline if it adversely impacts the District and is not a legally protected activity. Information about substantiated unprofessional conduct will not be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b. This Policy must be implemented consistent with Policy 1101.

D. Probationary Professional Staff

Probationary Professional Staff discipline or demotion may occur for any lawful reason.

1. If the complaint alleges suspected child abuse or neglect, the matter must be immediately reported to Children's Protective Services.

2. An employee who is subject to an investigatory interview that may result in discipline or who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy 4108.

3. The Superintendent or designee is authorized to place a Professional Staff member on paid, non-disciplinary administrative leave pending the completion of an investigation when, in the judgment of the Superintendent or designee, placing the Professional Staff member on leave will protect the investigatory process or work environment.

4. Disciplinary measures may include warning, reprimand, unpaid suspension, financial penalty, or discharge. This Policy does not require that disciplinary measures be applied progressively or sequentially. The District may apply appropriate disciplinary measures for the circumstances. The District may also consider preventative measures, including training, coaching, and other remedial measures.

5. Discipline will be confirmed in writing and placed in that person's personnel file. The person's year-end performance evaluation may also reflect the discipline.

6. The Superintendent or designee is authorized to impose discipline except for:

   a. Nonrenewal of a probationary teacher; or

   b. Discharge of a probationary teacher.

   The Board's action may be based upon the Superintendent's or designee's written recommendation and applicable procedures set forth in the Teachers' Tenure Act.

E. Tenured and Non-Probationary Professional Staff

Tenured teacher discipline or demotion will occur only for a reason(s) that is not arbitrary or capricious. Likewise, the disciplining of Non-Teaching Professionals will be governed by the arbitrary or capricious standard unless expressly stated otherwise in a collective bargaining agreement, employee handbook, or individual employment contract. Under the arbitrary or capricious standard, a disciplinary decision must be supported by a preponderance of the evidence and the discipline must have a rational relationship to the established misconduct or inappropriate behavior.

Before imposing discipline, the Superintendent or designee will investigate whether a Professional Staff member engaged in conduct that may justify discipline. The investigation should include discussions with witnesses determined by the Superintendent or designee to have relevant information and a review of tangible evidence (e.g., documents, video, electronic communications). The

Professional Staff member will be provided an opportunity to respond to the allegation(s).

If a Professional Staff member is governed by a collective bargaining agreement or individual employment contract, the Superintendent or designee will adhere to the disciplinary standards and procedures in that agreement. If the collective bargaining agreement or individual employment contract does not have an applicable provision, then the standards and procedures outlined below will apply.

The following procedures may be used for investigating allegations of Professional Staff misconduct or inappropriate conduct:

1. The Superintendent or designee may consult with legal counsel in appropriate cases and may request that legal counsel assist with an investigation.

2. The Superintendent or designee will give the Professional Staff member oral or written notice of the allegation(s).

3. If the complaint alleges suspected child abuse or neglect, the matter must be immediately reported to Children's Protective Services.

4. The Superintendent or designee will give oral or written notice of the time, date, and location of a meeting to provide the Professional Staff member with an opportunity to respond to the allegation(s) and substantiating factor(s).

5. An employee who is subject to an investigatory interview that may result in discipline or who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy 4108.

6. The Superintendent or designee is authorized to place a Professional Staff member on paid, non-disciplinary administrative leave pending the completion of an investigation when, in the judgment of the Superintendent or designee, placing the Professional Staff member on leave will protect the investigatory process or work environment.

7. If an investigation concludes that a preponderance of the evidence (i.e., more likely than not) establishes that the Professional Staff member engaged in conduct warranting discipline, the appropriate level of discipline will be guided by the following:

    a. the seriousness of the offense;

    b. the Professional Staff member's prior disciplinary and employment record;

    c. whether other Professional Staff members have engaged in similar or like past conduct known to the District's administration and the discipline imposed for those infractions;

    d. the existence of aggravating or mitigating factors, as determined by the Superintendent or designee;

e. applicable federal or state law;

f. the Professional Staff member's acceptance of responsibility;

g. the likelihood of recurrence; and

h. any other factors the Superintendent or designee determine are relevant.

8. Disciplinary measures may include:

a. warning;

b. reprimand;

c. unpaid suspension;

d. financial penalty; or

e. discharge.

This Policy does not require that disciplinary measures be applied progressively or sequentially. The District may apply appropriate disciplinary measure. The District may consider additional preventative measures to address the misconduct, including training, coaching, and other remedial measures.

9. Discipline will be confirmed in writing and placed in that person's personnel file. The discipline imposed may also be reflected in the person's year-end performance evaluation.

10. The Superintendent or designee is authorized to impose discipline except for:

a. the discharge of a Professional Staff member; or

b. the demotion of a tenured teacher, as defined in the Teachers' Tenure Act.

The Board's action may be based on the Superintendent's or designee's written recommendation and applicable procedures in the Teachers' Tenure Act.

11. A tenured teacher's salary may be escrowed after tenure charges are approved by the Board pursuant to Policy 4208.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a; *NLRB v J Weingarten, Inc*, 420 US 251 (1975)

Dated revised:

4408 Termination

This Policy must be implemented consistent with Policy 1101.

A. Probationary Teachers

For purposes of this Policy, the "termination" of a probationary teacher occurs when the probationary teacher is discharged during the term of an existing individual employment contract between the probationary teacher and the Board. Discontinuation of a probationary teacher's employment at the expiration of an individual employment contract is not termination for purposes of this Policy and is addressed separately in Policy 4409.

The Board may terminate a probationary teacher for misconduct, inappropriate behavior, performance that is not effective, or for any other lawful reason at any time.

The Superintendent or designee may recommend the termination of a probationary teacher to the Board. The recommendation will include the reason(s) for the proposed termination.

Probationary teachers recommended for termination by the Superintendent or designee will be provided advance notice of the allegations; an opportunity for a hearing in closed or open session before the Board; and the time, date, and location of the Board hearing.

B. Tenured Teachers

The Superintendent or designee may recommend the termination of a tenured teacher by filing tenure charges with the Board. The Board will consider whether to proceed on the tenure charges or modify the charges. A tenured teacher may be terminated for a reason that is not arbitrary or capricious.

The tenured teacher may challenge the Board's decision to discharge or demote the teacher by timely filing an appeal with the State Tenure Commission.

C. Non-Teaching Professionals

Unless otherwise provided by a collective bargaining agreement or individual employment contract: (1) a Non-Teaching Professional who is not subject to the Teachers' Tenure Act is subject to 5 years of probationary service and may be non-renewed or terminated at-will by the Board; and (2) after 5 years, the non-probationary Non-Teaching Professional may be terminated for any reason that is not arbitrary or capricious, subject to due process.

The Superintendent or designee may recommend the termination of a Non-Teaching Professional to the Board. The recommendation will include the reason(s) for the proposed termination.

Non-Teaching Professionals recommended for termination by the Superintendent or designee will be provided advance written notice of the allegations; an opportunity for a hearing in closed or open session before the Board; and the time, date, and location of the Board hearing.

Legal authority: MCL 38.83(2), 38.101, 38.121

Date revised:

4409 Non-Renewal

For purposes of this Policy, "non-renewal" of a probationary teacher refers to the discontinuation of the employment relationship between the Board and a probationary teacher at the expiration of the probationary year following the process set forth in the Teachers' Tenure Act.

Teachers must serve a probationary period as required by the Teachers' Tenure Act. A probationary teacher's contract may be non-renewed for performance-based reasons or any other lawful reason.

This Policy must be implemented consistent with Policy 1101.

D. Probationary Period

1. A probationary teacher rated developing, or needing support may be subject to non-renewal consistent with the Teachers' Tenure Act. To attain tenure, a probationary teacher must be rated at least effective on the teacher's three (3) most recent year-end annual performance evaluations and serve at least four (4) full school years. A teacher's probationary period may extend beyond four (4) years .

2. For a teacher who previously held tenure in another Michigan public school district, the teacher is subject to a 2-year probationary period, unless the Board acts to reduce the teacher's probationary period.

3. Unless otherwise provided by a collective bargaining agreement or individual employment contract:

   a. Non-Teaching Professionals who are not subject to the Teachers' Tenure Act are subject to 5 years of probationary service and may be non-renewed or terminated at-will by the Board; and

   b. After 5 years, the non-probationary Non-Teaching Professional may be non-renewed or terminated for any reason that is not arbitrary or capricious, subject to due process.

E. Non-renewal

1. Probationary teacher non-renewal is subject to the non-renewal procedures specified in the Teachers' Tenure Act. This Policy shall be implemented consistent with that statute.

2. Before non-renewing a probationary teacher, the probationary teacher must receive written notice of the Superintendent's or designee's recommendation

for non-renewal and the time, date, and place of the Board meeting at which the Board will consider the recommendation. The recommendation for non-renewal will state the reason(s) for the recommendation and may include supporting documentation.

3. The probationary teacher must receive written notice of Board action to non-renew the teacher's contract at least 15 calendar days before the end of the school year (June 30) except as provided in subsection 4 below. If the teacher is hired after the beginning of the school year, notice of non-renewal must be received at least 15 calendar days before the teacher's anniversary date of hire.

4. For a teacher who previously held tenure in another Michigan public school district, the teacher must receive written notice of non-renewal at least 60 calendar days before the completion of the probationary period.

F. The probationary teacher will be provided an opportunity to address the Board in open or closed session and respond to the Superintendent's or designee's recommendation to non-renew.

G. The Board must take action in open session on the recommendation to non-renew the probationary teacher.

H. The probationary teacher must be served with written notice of the Board's action non-renewing the teacher's employment and a copy of the Board action within the timeframe required by the Teachers' Tenure Act. The non-renewal notice will specify that a probationary teacher has the right to appeal the timeliness or legal effect of a notice of non-renewal. The appeal must be filed with the State Tenure Commission within 20 calendar days after the probationary teacher's receipt of the notice of non-renewal. A copy of the Teachers' Tenure Act should also be included with the notice.

Legal authority: MCL 38.81 et seq., 38.91 et seq.

Date revised:

4500 Administrators/Supervisors

4501 Definition

An Administrator, Supervisor, or Director performs duties meeting the administrative or executive exemptions under the Fair Labor Standard Act. Administrators, Supervisors, and Directors report to the Superintendent or designee.

A. Administrators

Administrators manage, supervise, and oversee District curriculum, instructional programs, and instructional services. As a condition of continued employment,

Administrators must hold and maintain certificates, licenses, credentials, and qualifications (collectively, the "Certification") as set by the Board or required by law, including Revised School Code Sections 1246 and 1536.

1. "Administrator" includes the building principal, assistant principal, assistant superintendent, and any other person whose primary responsibility is administering instructional programs, as well as the position of "chief business official" as defined in Revised School Code Section 1246.

2. If an Administrator's Certification expires, is nullified, or is revoked, the Administrator must immediately notify the Superintendent or designee, in writing.

3. Administrators will be subject to individual employment contracts not to exceed 3 years and may be governed by a collective bargaining agreement.

4. Administrators are subject to Revised School Code Section 1229(2) for purposes of non-renewal.

B. Non-Instructional Supervisors or Directors

Non-Instructional Supervisors or Directors include managerial personnel who are not Administrators within the definition of this Policy and who have the authority to direct, recommend, hire, discipline, and discharge personnel they supervise, including transportation, custodial, maintenance, or food service personnel. Non-Instructional Supervisors or Directors may be provided individual employment contracts not to exceed 3 years and may also be governed by a collective bargaining agreement.

Legal authority: MCL 380.1229, 380.1246, 380.1536

Date revised:

4502 Assignment and Transfer

Consistent with an applicable collective bargaining agreement or individual employment contract, the Superintendent or designee is authorized to assign or transfer an Administrator, Supervisor, or Director to another Administrator, Supervisor, or Director position and realign duties and responsibilities. The compensation will be commensurate with duties and responsibilities established by the Board.

Legal authority: MCL 380.11a(3), 380.601a, 380.653

Date revised:

4503 Performance Evaluation

Performance evaluations of Administrators are an essential element of providing quality educational services and measuring an employee's competency. This Policy does not alter the Board's authority or ability to terminate an Administrator's employment during the term of an individual employment contract or to non-renew an Administrator's contract at the end of the contract's term. This Policy must be implemented consistent with Policy 1101.

A. Building Level and Central Office Instructional Administrators

The Superintendent or designee will ensure that building level and central office Administrators who are regularly involved in instructional matters are evaluated consistent with a performance evaluation system under Revised School Code Sections 1249 and 1249b. This performance evaluation system will include, if appropriate, the following:

1. an annual evaluation process that meets statutory standards and is based on objective criteria;

2. an annual evaluation by the Superintendent or designee unless the Administrator qualifies for a biennial evaluation. This paragraph does not preclude more frequent Administrator evaluations as determined necessary by the Superintendent or designee;

3. an individualized improvement plan if the Administrator is rated developing or needing support or if performance deficiencies are noted;

4. student growth and assessment data or student learning objectives, as defined by Revised School Code Section 1249;

5. an evaluation and feedback provided in writing with an overall effectiveness rating of effective, developing, or needing support;

6. dismissal of an Administrator rated ineffective or needing support on 3 consecutive evaluations;

7. opportunity for an Administrator rated needing support to request a review consistent with Revised School Code 1249b;

8. a mentor for an Administrator for the first 3 years in which the Administrator is in a new administrative position;

9. a midyear progress report each year that the administrator is evaluated that includes specific performance goals for the remainder of the year and any recommended training identified by the evaluator;

10. for a building level administrator's evaluation, the evaluator will visit the school building where the administrator works, review the building level school administrator's school improvement plan, and observe classrooms with the administrator to collect evidence of school improvement plan strategies being implemented and the impact the school improvement plan has on learning;

11. an evaluation tool approved by the MDE, a modified MDE tool, or a local evaluation tool adopted in compliance with Revised School Code Sections 1249 and 1249b;

12. website posting of required information pertaining to the evaluation tool;

13. appropriate training for evaluators; and

14. other components that the Superintendent or designee deems relevant, important, or in the District's best interest.

B. Non-Instructional Administrators, Supervisors, and Directors

The Superintendent or designee may evaluate Non-Instructional Administrators, Supervisors, and Directors based on the appropriate evaluation instrument as determined by the Board and consistent with any applicable collective bargaining agreement or individual employment contract. An individual improvement plan may be implemented to remediate and enhance employee performance.

Legal authority: MCL 380.11a, 380.601a, 380.1249, 380.1249b

Date revised:

4504 Performance Based Compensation for Administrators/Supervisors

The Superintendent or designee may implement a performance-based compensation system for Administrators, Supervisors, and Directors. This Policy must be implemented consistent with Policy 1101.

Legal authority: MCL 380.11a

Date revised:

4505 Reduction and Recall

The Board will determine the appropriate level and number of Administrators, Supervisors, and Directors necessary for curricular, fiscal, and other operating conditions.

The Board may determine that a reduction of administrative and supervisory personnel is warranted based on the Superintendent's or designee's recommendation.

The Superintendent or designee will first identify the recommended areas where reductions in the District's administrative and supervisory structure can best be accomplished consistent with the realization of District goals and objectives.

The Superintendent or designee will consider the following in making recommendations for the reduction and recall of Administrators, Supervisors, or Directors within the approved administrative structure: relevant experience, performance, disciplinary history,

evaluations, qualifications, certification, relevant contract language, and other factors deemed relevant.

In implementing a reduction or recall, the Superintendent or designee may effectuate assignments and transfers as specified in Policy 4502.

The Board will consider and act on the Superintendent's or designee's recommendation(s) in open session.

If an Administrator selected for layoff has successfully completed a probationary period under the Teachers' Tenure Act, acquired tenure as a classroom teacher with the District, and maintained a valid teaching certificate on file with the District, the Administrator will be considered for placement to a teaching position for which the Administrator is properly certified and qualified consistent with the Teachers' Tenure Act and Policies 4402 and 4405.

An Administrator, Supervisor, or Director on layoff status may be eligible for recall to a vacant Administrator, Supervisor, or Director position for which that person is certified and qualified for a period of twelve (12) months after the reduction in force was approved by the Board. An Administrator, Supervisor, or Director rated effective or highly effective will receive priority for recall to a vacant Administrator, Supervisor, or Director position for which that person is otherwise qualified over an Administrator, Supervisor, or Director rated minimally effective or ineffective.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a, 380.1249, 380.1249b, 380.1532

Date revised:

4506 Discipline

The Superintendent or designee may discipline Administrators, Supervisors, or Directors for misconduct, violations of contract, Policy, or law, or other inappropriate behavior. Off-duty conduct may result in discipline if it adversely impacts the District and is not otherwise a legally protected activity. This Policy does not cover termination of an Administrator, Supervisor, or Director, which is addressed in Policy 4507.

Before discipline is imposed, the Administrator, Supervisor, or Director will be provided an opportunity to respond to the allegation(s).

An Administrator, Supervisor, or Director governed by a collective bargaining agreement or individual employment contract may be disciplined consistent with applicable procedures and standards in that agreement. An employee who is subject to an investigatory interview that may result in discipline or who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy 4108.

If the Superintendent or designee concludes, by a preponderance of the evidence, that the conduct in question has been substantiated and that discipline is warranted, the Superintendent or designee may discipline the employee so long as the basis for the discipline follows the standard(s) identified in the employee's applicable collective bargaining agreement or individual employment contract. If the employee is not subject to a collective bargaining agreement or individual employment contract, the Superintendent or designee may implement discipline for any lawful reason. The disciplinary action may be considered in the employee's performance evaluation. Written discipline will be placed in the employee's personnel file.

A suspension without pay may be imposed as a disciplinary consequence, consistent with the Fair Labor Standards Act, for infractions of safety rules of major significance or infractions of workplace conduct rules, such as rules prohibiting unlawful harassment, workplace violence, drug or alcohol use, or for infractions of state or federal laws. Disciplinary deductions may only be made in full-day increments and must be imposed pursuant to a written Policy applicable to all employees.

Evidence of substantiated unprofessional conduct cannot be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b.

The Teachers' Tenure Act shall apply if an Administrator's tenure rights are implicated by the disciplinary action.

Discipline that results in 5 days or more of lost compensation may be reviewed by the Board.

Legal authority: 29 CFR 541.602(b)(5); MCL 380.11a, 380.601a, 380.653, 380.1230b, 380.1249, 380.1249b; MCL 423.209

Date revised:

4507 Termination

For purposes of this Policy, "termination" refers to a proposed action to discharge or permanently discontinue the employment of an Administrator, Supervisor, or Director during the term of an individual employment contract. Non-renewal at contract expiration is not a termination under this Policy and is addressed in Policy 4508.

Unless otherwise provided by an applicable collective bargaining agreement or individual employment contract, an Administrator, Supervisor, or Director may be terminated for any lawful reason. Off-duty conduct may result in termination if it adversely impacts the District and is not a legally protected activity.

The Superintendent or designee will provide written charges in support of the recommendation for discharge and notice of the Board hearing date, time, and location, to the Administrator, Supervisor, or Director in advance of a Board meeting on the charges. The employee may request a hearing in closed session, but the Board's decision

on the termination recommendation must be made in open session. If the employee requests a hearing, the employee has the right to bring legal counsel or another representative of the employee's choice (at the employee's expense) to hear and contest the evidence supporting the termination recommendation and to submit evidence in support of the employee's retention.

The Board resolution or written correspondence identifying the reason(s) for the Board's decision on termination will be placed in the employee's personnel file.

If the employee holds tenure rights as a classroom teacher and the District seeks to terminate those tenure rights, the District will comply with the Teachers' Tenure Act.

Legal authority: MCL 38.71 et seq.; MCL 380.1229(2), 380.1229(3)

Date revised:

4508 Administrator Non-Renewal

A. Administrators Subject to Revised School Code Section 1229(2)

Administrator contract non-renewal may be subject to Revised School Code Section 1229(2) depending on the person's responsibilities, duties, and certification. If the non-renewal of an Administrator is subject to Revised School Code Section 1229(2), this Policy shall be implemented consistent with that statute.

"Non-renewal" is an action to discontinue an employment contract at contract expiration. Termination during the term of an existing employment contract is addressed in Policy 4507.

If Revised School Code Section 1229(2) applies, the non-renewal of an Administrator's individual employment contract must be preceded by a notice to the employee that the Board is considering non-renewal. Written notice of consideration of non-renewal must be given to the Administrator at least 90 calendar days before the expiration date of the Administrator's contract. The Administrator will be provided notice of the Board meeting at which the consideration of non-renewal will be reviewed and may request an open or closed session, where appropriate. The Board must act in open session on the recommendation to consider non-renewal.

The Superintendent or designee will notify the Administrator of the Board's decision to consider non-renewal, including a written statement of the reason(s). The employee may request to meet with a majority of the Board to discuss the reason(s) in open or closed session, where appropriate. The meeting with the majority of the Board to discuss the reason(s) it is considering non-renewal must take place following notice to the administrator of the consideration of non-renewal and before any action of non-renewal.

There must be a minimum of 30 calendar days between the time that the administrator is provided written notice that the Board is considering non-renewal, including a statement of the reason(s) for consideration of non-renewal, and the Board's action to renew or non-renew the administrator's individual employment contract. The resolution and notice of non-renewal must be provided to the administrator not less than 60 calendar days before the expiration date of the administrator's individual employment contract.

If the non-renewal is based on a reduction in personnel and not for a performance reason, the Board's review and action must take place in open session.

If the employee holds tenure rights as a classroom teacher and the District seeks to terminate those tenure rights, the District will comply with the Teachers' Tenure Act.

B. Non-Renewal of a Supervisor or Director

A Supervisor's or Director's contract may be non-renewed in accordance with the applicable individual employment contract or collective bargaining agreement. Absent any contractual guidance, recommendation of non-renewal will be presented to the Board at least nine (9) calendar days before the contract expiration provided there is an individualized development plan in place or a recent reprimand, otherwise, presented to the board at least forty-five (45) calendar days, stating the reason(s) for the recommendation. Advance written notice of the recommendation, the time, date, and location of the Board meeting, and option for closed session deliberation will be provided to the Supervisor or Director.

Legal authority: MCL 380.1229

Date revised:

4600 The Superintendent

4601 General

A. Employment

Except in limited circumstances as otherwise allowed by law, the Board will employ a Superintendent as the District's chief executive officer who will report to the Board. The Superintendent's individual employment contract will not exceed 5 years. The Superintendent will maintain appropriate certification, as well as comply with continuing education requirements, as a condition of continued employment. The Superintendent must immediately notify the Board if his or her certification expires or is nullified or revoked.

B. Duties and Responsibilities

The Superintendent will regularly advise the Board on significant legal, educational, financial, and other school-related developments affecting the District and the Board and will demonstrate exemplary leadership and knowledge of contemporary educational philosophy and effective practices.

The Superintendent will ensure compliance with requirements imposed by federal and state law, Policy, and governmental authorities with jurisdiction over Michigan schools. The Board delegates to the Superintendent the general power and authority to do the following, within Board-approved Policy and budgetary parameters:

1. direct curriculum and take actions to maximize student safety, welfare, and educational opportunities;

2. Suspend students up to 59 days and expel students consistent with Policy 5206;

3. ensure compliance with student disciplinary standards and procedures;

4. accept all employee resignations on the Board's behalf;

5. make other employment decisions consistent with these Policies, specifically including the right to hire, recall, transfer, assign, direct, discipline, and recommend or impose termination, as applicable;

6. develop and implement recruitment, application, and selection procedures to fill vacancies for Non-Exempt Staff, Teaching Professionals, Non-Teaching Professionals, Administrators, Supervisors, and Directors and to make hiring recommendations to the Board for approval, if applicable;

7. manage District grounds, buildings, property, and equipment and make determinations about their use, maintenance, improvements, purchases, and repairs in accordance with law;

8. temporarily close one or more of the District's schools or programs or alter the school day when the Superintendent determines that the action is necessary for the health and safety of students and staff;

9. maintain adequate supplies and materials for students and staff;

10. consult with outside advisors, attorneys, auditors, and others in the best interests of the District;

11. negotiate collective bargaining agreements and other contracts, subject to Board review and ratification;

12. serve as the Board's spokesperson and community liaison;

13. develop, recommend, and implement cooperative programs and services with other public and private entities that will promote attainment of District goals and objectives;

14. implement Board policies and supervise the District's day-to-day operations;

15. take action in circumstances not authorized by Board action or Policy when required to effectively run the District's day-to-day operations, to respond to a lawful order, or to implement rules to protect health and safety. The Superintendent should (1) inform the Board of the action taken and the need for expedited action; and (2) report the action to the Board during the first meeting following the action;

16. draft administrative guidelines and forms which are consistent with these Policies or the law to effectively run the District's operations; and

17. take action as permitted or required by law or as authorized by Board action or Policy.

C. Fiscal Management

The Superintendent, in consultation with other District personnel, will prepare and present to the Board a proposed annual District budget for the upcoming fiscal year. Budget adoption and amendments will be subject to Board approval. The Superintendent will furnish the Board with all information requested by the Board for proper consideration of the proposed budget. After the proposed budget is adopted by the Board at a public hearing held in compliance with the Budget Hearings of Local Government Act, the Superintendent, in consultation with the individual acting in the capacity of the District's business official, will oversee and control budget expenditures to ensure compliance with the budget adopted by the Board.

Legal authority: MCL 141.411 et seq.; MCL 380.11a, 380.601a, 380.653, 380.654, 380.1229(1), 380.1229(4), 380.1246, 380.1536

Date revised:

4602 Hiring

The Board will determine and select the best candidate to serve as the Superintendent, based on qualifications, experience, and demonstrated capabilities. The Board may enlist professional consultants, employees, community members, or others to assist with the recruitment and selection process.

Qualified candidates will possess and maintain certifications, permits, and approvals required by federal and state law for the office of Superintendent. The hiring process will comply with the Michigan Open Meetings Act.

Before hiring the selected candidate, an offer of employment will be conditioned on successful completion of a background check as described in Policy 4205.

The Board should consult with legal counsel when drafting the Superintendent's employment contract.

The Superintendent's employment contract shall not exceed five years in duration. If a Superintendent vacates the position before a new Superintendent is selected, the Board shall appoint an interim Superintendent to oversee operations until a new Superintendent is selected. Hiring decisions shall be based on qualifications, skills, knowledge, abilities, education, certifications/licenses, experience, demeanor, and other criteria the Board may deem relevant.

Legal authority: MCL 15.261 et seq.; MCL 380.1229(1), 380.1536

Date revised:

4603 Performance Evaluation

Performance evaluations for the Superintendent are an essential element of providing quality educational services and measuring job performance and effectiveness. This Policy does not diminish the Board's authority or ability to either terminate the Superintendent's employment during the term of the Superintendent's employment contract or to non-renew the Superintendent's contract at its expiration.

The Board will ensure that the Superintendent is evaluated based on a performance evaluation system described in Revised School Code Sections 1249 and 1249b and the individual employment contract. The evaluation may include, where appropriate or required by law, the following components:

A. a year-end annual evaluation by the Board, unless the Superintendent qualifies for a biennial evaluation, provided that this does not limit the Board's right to conduct more frequent evaluations where deemed appropriate by the Board;

B. an improvement plan if the Superintendent is evaluated as minimally effective or ineffective, or at the Board's discretion;

C. student growth and other considerations as required by law;

D. an overall effectiveness rating of highly effective, effective, minimally effective, or ineffective;

E. dismissal of a Superintendent rated ineffective on 3 consecutive year-end evaluations;

F. a tool approved by the MDE, a modified tool (if posting requirements are met), or a local evaluation tool adopted in compliance with Revised School Code Sections 1249 and 1249b;

G. website posting of required information pertaining to the evaluation tool;

H. providing appropriate training for Board members; and

I. other components that the Board deems relevant, important, or in the District's best interests.

The Board, in its discretion, may provide periodic scheduled feedback about the Superintendent's performance.

Legal authority: MCL 380.11a, 380.601a, 380.1249, 380.1249b

Date revised:

4604 Absence/Incapacity

If the Superintendent is physically or mentally incapacitated or if there is reason to believe that the Superintendent is unable to perform the duties of the position, pursuant to the Superintendent's individual employment contract and in accordance with federal and state law, the District may require the Superintendent to provide medical information or undergo a physical examination or psychological assessment to determine the Superintendent's ability to perform the duties of the position.

The Superintendent is a key employee as defined under the Family Medical Leave Act (FMLA), whose FMLA leave is limited to 12 weeks (60 work days). See Policy 4106.

If the Superintendent is incapacitated and has not requested leave or if there is reason to believe that the Superintendent cannot perform the duties of the position, the President, after consulting with legal counsel, may place the Superintendent on paid administrative leave pending review by the entire Board. The Superintendent's placement on paid administrative leave will be temporary while the Board determines appropriate action.

The President, subject to review and approval by the entire Board, may appoint a certified and qualified person as the acting Superintendent until the Superintendent can return or a successor is hired.

To promote accountability, where the Superintendent takes leave authorized by the Superintendent employment contract or District Policy, the Superintendent will notify the President and will maintain contemporaneous absence records.

Legal authority: 42 USC 12112; 29 CFR 825.312; MCL 380.1229

Date revised:

4605 Gifts and Donations

A. Accepting Gifts or Donations on Behalf of the District

The Superintendent or designee is authorized to accept donations on behalf of the Board in accordance with Policy 3303. Donations may not be accepted by a particular school or department without express permission from the Board or Superintendent or designee.

B. Accepting Personal Gifts

The Superintendent shall not solicit or accept anything of value for the Superintendent's direct or indirect personal benefit that may influence or reasonably be perceived to influence decision making or otherwise create an actual or perceived conflict of interest.

C. Gift Giving with Public Funds

Public funds may be used to purchase a plaque, medal, trophy, or other award for recognition of an employee, volunteer, or pupil if the purchase does not exceed statutory monetary limits; except, funds shall not be used to purchase alcoholic beverages, jewelry, fees for golf, or any item which is illegal, as consistent with and permitted by Policy 3205.

Legal authority: MCL 380.11a(3), 380.634, 380.1814

Date revised:

4606 Discipline and Termination

The Board may discipline or discharge the Superintendent in conformance with the procedures and standards set forth in the Superintendent's individual employment contract with the Board. Where there is reason to believe that the Superintendent has engaged in conduct, performance, or behavior that warrants discipline, the President has the authority to place the Superintendent on paid administrative leave after consultation with legal counsel and pending investigation and further Board action.

If the President receives a complaint against the Superintendent that warrants review at a Board meeting, the Board may convene in open session or closed session at the Superintendent's request, to consider the complaint.

When considering whether discharge or a long-term unpaid disciplinary suspension is appropriate, the Board will provide the Superintendent with advance written notice of disciplinary charges and an opportunity for a hearing at a Board meeting. The Superintendent may request closed session consideration of the complaint or charges. If the Board is considering discharge or a long-term unpaid disciplinary suspension of the Superintendent, and the Superintendent requests a hearing, the Superintendent has the right to bring legal counsel (at the Superintendent's expense) to hear and contest the evidence supporting the discharge or long-term suspension and to submit evidence opposing the discipline.

If the Board concludes, by a preponderance of the evidence, that discharge or a long-term unpaid disciplinary suspension is warranted, the Board may discharge or suspend the Superintendent so long as the basis follows the standards identified in the Superintendent's employment contract. If the Superintendent's individual employment contract does not include a discipline provision, the Board may implement discipline for any lawful reason. Written discipline will be placed in the Superintendent's personnel file.

A suspension without pay may be imposed as a disciplinary consequence, consistent with the FLSA, for infractions of safety rules of major significance or infractions of workplace conduct rules, such as rules prohibiting unlawful harassment, workplace violence, drug or alcohol use, or for infractions of state or federal laws. Disciplinary deductions may only be made in full-day increments and must be imposed pursuant to a written Policy applicable to all employees.

The Superintendent's discharge will not negate residual rights that the Superintendent may have acquired under the Teachers' Tenure Act. Tenure charges seeking the Superintendent's discharge may be issued if appropriate.

Evidence of substantiated unprofessional conduct cannot be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b.

If the Superintendent fails to comply with certification, permit, or continuing education standards as required by law, the Superintendent's contract terminates immediately.

Legal authority: 29 CFR 541.602(b)(5); MCL 15.268(a); MCL 380.11a(3)(d), 380.601a, 380.1230b

Date revised:

4607 Non-Renewal

The Board may, in its discretion, non-renew the Superintendent's individual employment contract effective at the end of the contract term. The Board must provide written notice of the non-renewal to the Superintendent at least 90 days before the contract expires, as provided by Revised School Code Section 1229(1). Failure to provide at least 90 days' advance written notice of non-renewal will result in extending the Superintendent's contract for an additional 1-year period.

Legal authority: MCL 380.1229(1)

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5101 Student Expression

The District will balance student speech and expression rights with its responsibility to provide a safe, orderly learning environment.

Students may not engage in speech or expressive conduct that would materially and substantially interfere with or disrupt school operations, including school activities and educational programming. An actual disruption is not required before school officials may regulate student speech or impose discipline if they can reasonably forecast a substantial and material disruption or interference with school operations.

Students may be disciplined for speech or expressive conduct that: is materially and substantially disruptive or that school officials can reasonably forecast will create a substantial disruption; is obscene, sexually explicit, indecent, or lewd; promotes the use of or advertises illegal substances; incites violence; contains "fighting words" or constitutes a true threat of violence; involves a student walkout; urges a violation of law, Board Policy, or rule; or is not constitutionally protected. Administrators will evaluate student speech on a case-by-case basis, including the location, context, and nexus to the school, before imposing discipline, which may include removal of the educational setting by specially trained personnel.

Student activism is subject to the above standards.

As used in this Policy, "fighting words" are words that tend to provoke a violent response amounting to a breach of the peace.

Legal authority: U.S. CONST. amend. I; Const 1963, art I, § 5; *Tinker v Des Moines Indep Community Sch Dist*, 393 US 503 (1969)

Date revised:

5102 Lockers

Lockers are District property and may be made available for student use. Lockers are assigned to students on a temporary basis, and District administration may revoke a student's locker assignment at any time. The District retains ownership of lockers notwithstanding student use.

Students have no expectation of privacy in their lockers. The building principal or designee may inspect lockers without any particularized suspicion or reasonable cause and without advance notice. Upon the request of the building principal or designee, law enforcement may assist with searching lockers.

During a locker search, student privacy rights will be respected for any items that are not illegal or against Board Policy.

The Board directs the Superintendent to include this Policy in the student code of conduct and to distribute it to parents/guardians.

Legal authority: MCL 380.1306

Date revised:

5103 Search and Seizure

School officials may search a student and the student's belongings if they have reasonable suspicion that the search will reveal contraband or evidence of a violation of law, Board Policy, or rule. In rare cases, school officials may conduct a search without reasonable suspicion if there is an imminent threat of physical harm or death.

A reasonable suspicion search must be justified at its inception and reasonable in its scope. A search is justified at its inception when school officials have reasonable grounds to suspect that the search will uncover contraband or evidence of a violation of law, Policy, or rule. A search is reasonable in scope when the measures used are reasonably related to the search objectives and are not excessively intrusive in light of the student's age and sex and the nature of the infraction.

School officials are not required to have reasonable suspicion to search lockers or other District property. See Policy 5102.

The District may use detection dogs to search for contraband on District property consistent with Policy 3107.

A breath alcohol test is a search and may be administered upon reasonable suspicion that a student has consumed or is under the influence of alcohol. For voluntary, noncurricular school activities (e.g., school dances), suspicion less breath alcohol tests may be administered for student health and safety purposes if students and their parents/guardians have been provided advance written notice.

Strip searches are prohibited.

The building principal or designee will turn over to law enforcement illegal items and dangerous weapons, as defined in Policy 5206, and may store in a secure place any other contraband or evidence seized from a search until a disciplinary hearing.

This Policy does not apply to any outside entity that may require drug or breath alcohol testing as a condition of participation. See Policy 5105.

Legal authority: MCL 380.1306, 380.1313(2)

Date revised:

5104 Age of Majority

State law recognizes students are adults at age 18 or when otherwise legally emancipated. Except as noted below, all Board Policies, applicable codes of conduct, and any other applicable rules or behavioral expectations apply to all students regardless of age.

Unless inconsistent with a court order, students who are 18 years or older or legally emancipated may:

A. have the same rights as their parents/guardians as they relate to access to or control of their student records;

B. represent themselves during disciplinary conferences;

C. request a personal curriculum;

D. have other rights or privileges as determined by the Superintendent or designee;

Eligible students who wish to assert these rights must notify the building principal in writing. Otherwise, sections B-D above will not apply. The building principal or designee may notify an eligible student's parent/guardian that the eligible student has exercised the rights listed under this Policy.

Legal authority: MCL 380.1278b; MCL 722.4, 722.52

Date revised:

5105 Collaboration with Outside Entities

Nothing in these Board Policies, including, without limitation, protocols for student searches and seizures, student discipline, interrogation of students, and seclusion and restraint, may be interpreted to interfere with any rule, regulation, or policy imposed by an outside entity with which the District cooperates or collaborates, except as otherwise prohibited by law.

Date revised:

5106 Intentionally Left Blank

5200 Student Conduct and Discipline

5201 Investigations, Arrests, and Other Law Enforcement Contact

The Board desires to maintain a positive working relationship with law enforcement agencies while protecting student rights and educational needs.

"Law enforcement officer" means a county sheriff or deputy sheriff; an officer of a city, village, or township police department; a city, village, or township marshal; a constable; a Michigan State Police officer; a federal law enforcement officer; an investigator of the state Department of Attorney General; a U.S. Immigration and Customs Enforcement (ICE) agent; a Federal Bureau of Investigations (FBI) agent; or any other person who has the legal authority to investigate criminal activity or to effectuate an arrest.

A. Student Records

District personnel may only share personally identifiable information from a student's education record with law enforcement officers pursuant to Policy 5309 and state and federal law.

B. Reporting to Law Enforcement

A District administrator may contact a law enforcement officer any time the administrator suspects criminal activity; activity that threatens the health or safety of a student; or activity that disrupts or potentially disrupts the school environment.

C. School Related Criminal Activity

School related criminal activity is alleged or suspected criminal activity that occurs on school grounds, at a school-sponsored activity or athletic event, or in a vehicle owned or used by the District.

Law enforcement officers may contact and question students at school about school-related criminal activity as provided below.

A law enforcement officer must notify the building principal or designee before questioning a student at school. The building principal or designee must request the law enforcement officer's identification before allowing the student to be questioned.

The building principal or designee will make reasonable attempts to contact a student's parent/guardian before the student is questioned by law enforcement. If the student is 18 years or older or is emancipated, the building principal will make reasonable attempts to contact the student's parent/guardian, if requested by the student. If a parent/guardian cannot be reached after reasonable attempts, the student may be questioned only if the law enforcement officer identifies emergency circumstances requiring immediate questioning. A building principal or designee will be present for the questioning. The student will be questioned in a private room and out of sight of others as much as practicable.

The law enforcement officer has the responsibility to advise the student of all applicable rights, including the right against self-incrimination.

If at any time the building principal or designee believes that the law enforcement officer's questioning is being conducted in an inappropriate manner, the building principal or designee will request that the questioning cease.

D. Non-School Related Criminal Activity

Unless specifically authorized by law, a law enforcement officer may not question a student at school about non-school related criminal activity without parent/guardian consent or an appropriate warrant or court order.

E. Taking a Student into Custody

A law enforcement officer seeking to take a student into custody must contact the building principal or designee. If practicable, the building principal or designee will request that the law enforcement officer provide a copy of the warrant, written parent/guardian consent, court order, or other document authorizing the officer to take the student into custody. If the law enforcement officer takes a student into custody, the building principal or designee will obtain and record the officer's name, badge number, and law enforcement agency; the date, time, and reason for the arrest; and the location to which the student is reportedly being taken.

Whenever practicable, a student should be taken into custody in a manner that minimizes observation by others and disruption to the educational environment.

When a law enforcement officer removes a student from school, the building principal or designee will take immediate steps to notify the student's parent/guardian about the student's removal and the location to which the student is reportedly being taken, except when a student has been taken into custody as a victim of suspected child abuse or neglect.

F. The building principal or designee will promptly notify the Superintendent any time a law enforcement officer seeks or demands to question a student, apart from the School Resource Officer, or takes a student into custody, or removes a student from school.

G. Child Abuse and Neglect

This Policy does not govern child abuse and neglect investigations. See Policy 5701.

Nothing in this Policy limits the authority of District personnel to question a student about suspected misconduct or investigate suspected misconduct at school.

Legal authority: MCL 380.11a

Date revised:

5202 Unlawful Discrimination, Harassment, and Retaliation Against Students

The District prohibits unlawful discrimination. For purposes of this Policy, "unlawful discrimination" includes unlawful harassment and retaliation, unless specifically stated otherwise. The District will investigate all allegations of unlawful discrimination and will take appropriate action, including discipline, against any person who, following an investigation, is determined to have engaged in unlawful discrimination.

This Policy applies to student-to-student conduct and staff-to-student conduct. See Policy 4102 for District personnel harassment.

Complaints alleging Title IX sexual harassment (staff-to-staff, staff-to-student, student-to-student, or student-to-staff) are governed by Policy 3118.

This Policy applies to all conduct occurring on school property, including in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, at a school-sponsored activity or event whether or not it is held on school premises, or conduct with a direct nexus to school.

The District will comply with all applicable state and federal laws related to unlawful discrimination.

A. Student Handbooks

The Superintendent or designee will include in student handbooks a statement explaining the District's policy against unlawful discrimination, including unlawful harassment and retaliation. This statement must include an explanation of types of unlawful discrimination, examples of harassment, reporting requirements, and consequences as described in this Policy.

B. Types of Unlawful Harassment

"Unlawful harassment" is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward a student because of the student's race, color, religion, sex (including pregnancy, gender identity, or sexual orientation), national origin, disability, or any other legally protected class that has the purpose or effect of:

1. creating an intimidating, hostile, or offensive environment; or
2. unreasonably interfering with the student's ability to benefit from the District's educational programs or activities.

Race, color, and national origin harassment is prohibited by Title VI of the Civil Rights Act of 1964 and the Michigan Elliott-Larsen Civil Rights Act. Race, color, and national origin harassment is unwelcome conduct based on a student's actual or perceived race, color, or national origin. Race, color, and national origin harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially motivated physical threats, attacks, or other hateful conduct. Under this Policy, harassment based on ethnicity, ancestry, or perceived ancestral, ethnic, or religious characteristics, will be considered race, color, and national origin harassment.

Disability harassment is prohibited by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Michigan Persons with Disabilities Civil Rights Act. Disability harassment is unwelcome conduct based on a student's actual or perceived disability. Disability harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as disability motivated physical threats, attacks, or other hateful conduct.

Sex-based harassment is prohibited by Title IX of the Education Amendments of 1972 and the Michigan Elliott-Larsen Civil Rights Act. For the definition of sexual harassment under Title IX, see Policy 3118. Sex-based harassment prohibited by this Policy includes harassment based on gender identity or sexual orientation. This Policy also prohibits harassment of a sexual nature that does not rise to the level of Title IX sexual harassment, as defined in Policy 3118.

C. Reporting Requirements

District personnel must immediately report incidents of alleged unlawful discrimination, including incidents that District personnel witness or about which they receive reports or information, regardless of whether the incidents are verbal, visual, or physical, and whether the incidents also constitute harassment, bullying, or hazing.

District personnel who witness an act of unlawful discrimination must intervene immediately, unless circumstances would make intervention dangerous. A person who is unable to intervene should promptly attempt to find another person who is able to intervene, contact a building administrator, or contact law enforcement, as the situation requires.

Any student who witnesses an act of unlawful discrimination is encouraged to report it to District personnel. No student will be retaliated against based on any report of suspected unlawful discrimination. A student may also anonymously report an incident of unlawful discrimination. The District will investigate anonymous reports pursuant to its investigation procedures described below. Minor students do not need parent/guardian permission to file complaints or participate in the formal complaint resolution process described below.

D. How to Report Unlawful Discrimination

If you or someone you know has been the victim of unlawful sex-based discrimination, you may file a report with any District employee or with the Title IX Coordinator:

Director of Teaching and Learning
5 Memorial Drive
269-722-3350

Middle School Principal
1 N. Memorial Drive
269-722-3550

Formal Complaints of Title IX Sexual Harassment must be filed with the Title IX Coordinator. For information on the District's Title IX Sexual Harassment Grievance Process, see Policy 3118.

If you or someone you know has been the victim of disability-based discrimination, you may file a complaint with:

Director of Special Servies
5 Memorial Drive
269-722-3350

If you or someone you know has been the victim of any other type of unlawful discrimination, including unlawful conduct based on race, color, or national origin, you may file a complaint with:

Director of Teaching and Learning
5 Memorial Drive
269-722-3350

A report of unlawful discrimination may be made verbally or in writing.

The coordinators identified above will document all unlawful discrimination reports, as well as any incidents they personally observe. The District will retain this documentation in accordance with applicable record retention requirements.

E. Complaint Process

Any person who has been the victim of unlawful discrimination or any person who has witnessed an incident of unlawful discrimination may make a complaint at any time. District personnel who receive a complaint of unlawful discrimination must immediately document the reported incident and notify the appropriate coordinator identified above by the end of the next school day.

F. Investigation Timelines

The District will initiate an investigation within five (5) school days after receiving a complaint of unlawful discrimination. In most cases, an investigation will be completed within 20 school days.

The District will attempt to comply with all law enforcement requests for cooperation. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend its investigation. The District will promptly resume its investigation as soon as it is notified by the law enforcement agency that the law enforcement agency has completed its evidence gathering process. This delay should not exceed 10 school days. If the District's investigation is suspended, interim steps will be taken to provide for the safety of the alleged victim or victims and the school community and to avoid potential retaliation. Those steps may include suspending the alleged perpetrator from work or school until the investigation is complete. If the law enforcement agency does not notify the District within 10 school days that the investigation may resume, the District will notify the law enforcement agency that the District intends to promptly resume its investigation.

Within 5 school days after completing the investigation, the District will separately notify, in writing, the alleged victim and the alleged perpetrator of the investigation's outcome. Any disciplinary action against the alleged perpetrator will be implemented in accordance with the due process standards contained within Policy 5206.

An alleged victim of unlawful discrimination may present new evidence at any time.

An alleged perpetrator's status as a student with a disability will not affect the District's obligation to protect the alleged victim during and after an investigation.

G. Investigation Procedures

The District will use the following procedures when initiating and conducting investigations of unlawful discrimination:

1. Any written or verbal report of unlawful discrimination or harassment, including anonymous written or verbal reports, will be promptly addressed and investigated.

2. The District will assure the alleged victim that:

   a. the complaint will be fully investigated;

   b. the alleged victim's identity will be kept confidential during the investigation, to the extent possible;

   c. the alleged victim will not be retaliated against by the District; and

   d. the District will enforce its non-retaliation policy.

3. The District will take preventative measures to ensure that others, including the alleged perpetrator, do not retaliate against the alleged victim during or after the investigation.

4. The District will notify the alleged victim that the victim will not be required to confront the alleged perpetrator during the investigation, that steps will be taken to immediately ensure that the alleged conduct does not continue, and that retaliation is prohibited.

5. The District will interview any witnesses identified by the alleged victim and the alleged perpetrator. All witnesses will be assured that their identities will be kept confidential during the investigation, to the extent both possible and practical, and that retaliation is prohibited.

6. The District will implement individualized interim measures during the investigation to ensure that any unlawful conduct does not continue. Interim measures may include, but are not limited to, temporary schedule changes, no-contact directives, short-term suspensions, changes to class schedules or lockers, and student escorts.

7. The District will take action to end unlawful discrimination, including monitoring that the conduct does not reoccur and modifying responses if the unlawful discrimination does reoccur.

8. If the alleged victim is a minor student, the District will notify the student's parent/guardian of the complaint. The parent/guardian will be informed of the investigation's status, as appropriate.

9. Unless otherwise required by law, if an alleged victim has been discriminated against or harassed based on sexual orientation, gender identity, or non-compliance with gender stereotypes, the District will first consult with the student to determine an appropriate method of notifying the student's parent/guardian of the complaint.

10. All documentation, including witness statements, must be kept with the complaint and reports.

11. The District will use the preponderance of the evidence standard as the appropriate standard to substantiate allegations of unlawful discrimination.

12. If the District determines that a school official's impartiality has been compromised during the investigation process, that school official will be removed from the investigation and have no further involvement.

13. If an alleged victim requests complete confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the alleged victim's request. If an alleged victim insists that the victim's name or other identifying information not be disclosed to the alleged perpetrator, the appropriate coordinator or designee will notify the alleged victim that the District's ability to investigate and respond to the complaint may be limited.

H. Remedies

The District will take appropriate and effective measures to promptly remedy effects of unlawful discrimination. Appropriate remedies will be based on the circumstances and may include, but are not limited to:

1. providing an escort to ensure that the victim can safely attend classes and school activities;

2. providing the victim with school-based counseling services;

3. providing the victim with academic support services, such as tutoring;

4. rearranging course schedules, to the extent practicable, to minimize contact between the victim and perpetrator;

5. moving the victim's or the perpetrator's locker;

6. issuing a “no contact” directive to the perpetrator; or

7. imposing discipline, up to and including suspension or expulsion, consistent with Policy 5206 and the student code of conduct.

Whenever possible, the District will strive to ensure that the victim’s academic and other school-related schedules remain intact.

These remedies may also be available to any other student who is or was affected by unlawful discrimination.

The applicable coordinator should also consider whether broader remedies are required, which may include, but are not limited to:

1. assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;

2. additional staff training;

3. a climate survey; or

4. letters to students, staff, and parents/guardians reminding them of their obligations under this Policy and applicable handbooks.

If the alleged victim is a student with a disability, the Superintendent or designee will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the alleged victim continues to receive a free appropriate public education.

I. Investigation Report

After the investigation concludes, the appropriate coordinator or designee will create an investigation report. The report must include the following information:

1. the alleged victim’s name, a description, or identifying information;

2. the alleged victim’s relevant protected class(es);

3. the name, a description, or identifying information about the person making the report, if not the alleged victim;

4. the protected class(es) of the person making the report, if not the alleged victim;

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

6. the name(s) and protected classes of all persons alleged to have committed the unlawful discrimination, if known, or a description/identifying information available if the name is not known;

7. the name(s) or description/identifying information and protected classes of all known witnesses to the alleged incident;

8. any written statement of the person making the report, the alleged victim (if different than the reporter), the alleged perpetrator(s), and any known witnesses;

9. the applicable standard of evidence, conclusion, and recommendations; and

10. the response by District personnel, including the date any incident was reported to law enforcement.

J. Filing a False Report

Any person who knowingly or maliciously files a false report of unlawful discrimination will be subject to discipline, up to and including expulsion.

K. Retaliation

Retaliation against a person who reports unlawful discrimination is prohibited. Any person who retaliates against a person who reports suspected unlawful discrimination will be disciplined in accordance with Policy 5206. This prohibition against retaliation also applies to retaliation against people who participate in or cooperate with an investigation related to a complaint.

L. Office for Civil Rights

Any person who believes that he or she was the victim of unlawful discrimination may file a complaint with the Office for Civil Rights (OCR) at any time:

U.S. Department of Education
Office for Civil Rights
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
Phone: (216) 522-4970
E-mail: OCR.Cleveland@ed.gov

This complaint may be filed before, during, or after filing a complaint with the District. A person may forego filing a complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to unlawful discrimination also file a complaint with the District to ensure that the District is able to take steps to prevent any further harassment and to discipline the alleged perpetrator, if necessary. OCR does not serve as an appellate body for District decisions. An investigation by OCR will occur separately from any District investigation.

M. Appeal Process

An alleged victim or alleged perpetrator may appeal the written investigation findings and conclusions to the Superintendent within 5 business days of receipt.

Upon receipt of an appeal, the Superintendent or designee will review the investigation report, may contact additional witnesses, may consider all additional evidence, and may re-interview any witnesses. The Superintendent will then notify the parties in writing of the decision. The Superintendent or designee is not required to give deference to the investigation report and may consider any new, previously unavailable evidence in evaluating the appeal.

N. Training

The District will provide to District personnel training on responding to and investigating unlawful discrimination. This training is mandatory for all District personnel responsible for implementing and enforcing anti-discrimination and anti-harassment laws and related policies and procedures. The Superintendent or designee will ensure that District personnel are notified of mandatory training sessions.

Legal authority: 20 USC 1400 et seq., 1681 et seq.; 29 USC 206 et seq., 621 et seq., 701 et seq., 794, 2601 et seq., 6101 et seq.; 38 USC 4301 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.8, 106.9; MCL 37.1101 et seq., 37.2101 et seq.

Date revised:

5203 Hazing

Hazing is an intentional or reckless act directed against a student that endangers the student's physical or mental health or safety that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization, activity, team, or social group. This Policy applies regardless of a student's consent, permission, or assumption of risk. Any student who engages in hazing may be subject to discipline.

Hazing includes, but is not limited to:

- physical brutality or punishment (e.g., whipping, beating, striking, branding, or placing a harmful substance on a student's body);
- physical activity that subjects a student to an unreasonable risk of harm or that adversely affects a student's physical or mental health or safety (e.g., sleep deprivation, exposure to the elements, confinement in a small space, or undressing or exposing a student);
- consumption of food, liquid, alcohol, drugs, or other substance that subjects a student to an unreasonable risk of harm or that adversely affects a student's physical or mental health or safety;

- an activity that induces, causes, or requires a student to commit a crime or an act of hazing;
- intentional humiliation or embarrassment of a student;
- detention or seclusion of a student; and
- other activities that subject a student to an unreasonable risk of harm or that adversely affect a student's physical or mental health or safety.

Legal authority: MCL 750.411t

Date revised:

5204 Student Appearance and Dress Code

Student dress, hair style, make up, cleanliness, or personal appearance that is a threat to the safety, health, or welfare of students or others; violates any statute or Policy 5101; or substantially disrupts the educational environment or that school officials reasonably forecast will substantially disrupt the educational environment, is grounds for remedial or disciplinary action. The Superintendent or designee will develop and publish specific dress code regulations consistent with this Policy.

Date revised:

5205 Student Handbooks

The Superintendent or designee will ensure that each school develops, publishes, and regularly updates a student handbook, the content of which must be consistent with these Policies. Each student handbook must contain a student code of conduct. A student handbook has the force and effect of Board Policy.

Legal authority: MCL 380.1309, 380.1312(8)

Date revised:

5206 Student Discipline

A. Student Discipline - Generally

The Board is committed to providing students and staff with a safe learning environment free from substantial disruption. Consistent with this commitment, the District may discipline students who engage in misconduct, up to and including suspension or expulsion from school.

The District will take steps to effectively discipline students in a manner that minimizes out-of-school suspensions and expulsions. The District will comply with applicable laws related to student discipline, including the consideration of specific factors and possible use of restorative practices.

B. Applicability

This Policy applies to student conduct that occurs:

1. on District property;
2. at a school-sponsored or school-related event;
3. on a school bus or vehicle;
4. while traveling to or from school, including at a bus stop; and
5. at any other time or place if the conduct has a nexus to the school, substantially disrupts the school environment, or as permitted by law.

C. Student Code of Conduct

The Superintendent or designee will develop, regularly update, and annually publish a student code of conduct in all student handbooks. The student code of conduct must:

1. identify offenses that may result in discipline;
2. identify possible disciplinary consequences for each offense, which may, if appropriate, include suspension or expulsion;
3. be consistent with applicable state and federal laws and Board Policies; and
4. include a copy of Policy 5206E entitled “Suspension from Class, Subject, or Activity by Teacher.”

D. Definitions

For purposes of this Policy:

1. “suspend” or “suspension” means a disciplinary removal from school for less than 60 school days;
2. “expel” or “expulsion” means a disciplinary removal from school for 60 or more school days;
3. “restorative practices” means practices that emphasize repairing the harm to the victim and the school community caused by a student’s misconduct; and
4. “Mandatory 7 Factors” means the following:
    a. the student’s age;

b. the student's disciplinary history;

c. whether the student has a disability;

d. the seriousness of the behavior;

e. whether the behavior posed a safety risk;

f. whether restorative practices are a better option; and

g. whether lesser interventions would address the behavior.

E. Restorative Practices

Before suspending or expelling a student (except a student who possesses a firearm in a weapon-free school zone), teachers, administrators, and the Board must first determine whether restorative practices would better address the student's misconduct, recognizing the Board's objective of minimizing out-of-school suspensions and expulsions. Likewise, teachers, administrators, and the Board must consider whether restorative practices should be used in addition to the suspension or expulsion. Restorative practices, which may include a victim-offender conference, should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment, and cyberbullying.

All victim-offender conferences must be conducted consistent with state and federal law and Policies. No student who claims to be the victim of unlawful harassment may be compelled to meet with the alleged perpetrator of the harassment as part of a restorative practice.

F. Discretionary Suspension or Expulsion

Under Michigan law, a suspension of 10 or fewer school days is presumed to be reasonable. A suspension of more than 10 school days or an expulsion is, in most circumstances, presumed not to be justified. Before imposing a suspension or an expulsion, administrators or the Board must consider the Mandatory 7 Factors.

1. Building Administrators - 10 or fewer days

The Board delegates to all building administrators the authority to suspend a student for up to 10 school days consistent with the student code of conduct.

A building administrator may also suspend a student for up to 10 school days pending further investigation and possible further disciplinary consequences, including a longer-term suspension or expulsion.

Before exercising this authority, the building administrator must consider the Mandatory 7 Factors.

Additionally, before suspending a student for any length of time, the building administrator must provide the student due process as described in Policy

5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

2. Superintendent - Less than 60 school days

   The Board delegates to the Superintendent the authority to suspend a student for less than 60 school days consistent with the student code of conduct. Before exercising this authority, the Superintendent must consider the Mandatory 7 Factors.

   Any time the Superintendent finds that a suspension of more than 10 school days is warranted, the Superintendent must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

   Additionally, before suspending a student for any length of time, the Superintendent must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

3. Board - Suspension or Expulsion

   The Board may suspend or expel a student for an offense consistent with the student code of conduct.

   Before exercising this authority, the Board must consider the Mandatory 7 Factors.

   Any time the Board finds that a suspension of more than 10 school days or expulsion is warranted, the Board must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

   Before exercising this authority, the Board must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

G. Criminal Sexual Conduct – Discretionary Suspension or Expulsion

   If a student commits criminal sexual conduct, as defined in Revised School Code Section 1311, against another student enrolled in the District and expulsion is not mandatory under Policy 5206 H.3, the District may suspend or expel the student even if the student has not been criminally charged, subject to consideration of the Mandatory 7 Factors.

   Before exercising this authority, the District must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

H. Mandatory Suspension or Expulsion

Building principals and other administrators must refer all incidents that may result in a mandatory suspension or expulsion to the Superintendent or designee for transmission to the Board. As explained below, the Board recognizes that in some circumstances it may choose not to suspend or expel a student. Nothing in this section may be construed as limiting the Board's discretion to suspend or expel a student for any offense that the student code of conduct identifies as possibly resulting in suspension or expulsion.

1. Possession of a Dangerous Weapon

   a. Possession of a Firearm

      If a student possesses a firearm in a weapon-free school zone, the Board will permanently expel the student unless the student demonstrates, in a clear and convincing manner, at least one of the following:

      - the student was not possessing the firearm to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
      - the student did not knowingly possess the firearm;
      - the student did not know or have reason to know that the firearm constituted a "dangerous weapon"; or
      - the student possessed the firearm at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

      If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

   b. Possession of a Dangerous Weapon (Other than a Firearm)

      If a student possesses a dangerous weapon (other than a firearm) in a weapon-free school zone, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

      The Board is not required to expel a student for possession of a dangerous weapon (other than a firearm) if the student demonstrates, in a clear and convincing manner, at least one of the following:

      - the student was not possessing the instrument or object to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
      - the student did not knowingly possess the weapon;

- the student did not know or have reason to know that the instrument or object constituted a “dangerous weapon”; or

- the student possessed the weapon at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

c. Applicable Definitions for Dangerous Weapon Offense

“Weapon-free school zone” means school property and a vehicle used by a school to transport students to or from school property.

“School property” means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

“Dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

“Firearm” means (i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (ii) the frame or receiver of any such weapon; (iii) any firearm muffler or firearm silencer; or (iv) any destructive device. “Firearm” does not include an antique firearm, as defined by 18 USC § 921.

“Destructive device” means (i) any explosive, incendiary, or poison gas (including a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device); (ii) any type of weapon (other than a shotgun or a shotgun shell that the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (iii) any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

d. Additional Procedures for Dangerous Weapon Expulsion

The Superintendent or designee must ensure that if a student is expelled for possession of a dangerous weapon, the student’s permanent record

reflects the expulsion. The Superintendent or designee must refer a student who is expelled for possession of a dangerous weapon to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion. The Superintendent or designee must also make a referral to local law enforcement and contact the student's parent/guardian immediately any time a student is found to have brought a dangerous weapon to school or possessed a dangerous weapon at school, at a school related activity, or in a school vehicle. If a District official confiscates a dangerous weapon, the District official will give the dangerous weapon to law enforcement and will not release the dangerous weapon to any other person, including the legal owner.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for possession of a dangerous weapon may not enroll in the District.

2. Arson

If a student commits arson as defined in Revised School Code Section 1311, in a school building or on school grounds, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing arson, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing arson to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing arson may not enroll in the District.

3. Criminal Sexual Conduct

If a student commits criminal sexual conduct as defined in Revised School Code Section 1311, in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another student enrolled in the District, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing criminal sexual conduct, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is

expelled for committing criminal sexual conduct to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing criminal sexual conduct may not enroll in the District.

4. Physical Assault

   a. Physical Assault Against Employee, Volunteer, or Contractor

      If a student in grade 6 or above commits a physical assault at school against an employee, volunteer, or contractor and the victim reports the physical assault to the Board or to a school administrator or, if the victim is unable to report the assault, another person makes the report on the victim's behalf, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

      i. How old is the student in question? Does this influence the level of intervention necessary to address this behavior?

      ii. What is this student's disciplinary history? Does this influence the level of intervention necessary to address this behavior?

      iii. Does the student in question have a disability? Does this influence the level of intervention necessary to address this behavior?

      iv. What was the seriousness of this student's behavior? Does this influence the level of intervention necessary to address this behavior?

      v. Did the student pose a safety risk to others? Does this influence the level of intervention necessary to address this behavior?

      vi. Have restorative practices already been used as a means of intervention in this student's disciplinary history? Does this influence the level of intervention necessary to address this behavior?

      vii. Would a lesser intervention than suspension or expulsion appropriately address this behavior in question?

      The Superintendent or designee must ensure that if a student is expelled for physically assaulting an employee, volunteer, or contractor, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for physically assaulting an employee, volunteer, or contractor to the county department of social services or the county community mental health agency and notify the student's

parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311a(5), a student expelled by another district or public school academy for physically assaulting an employee, volunteer, or contractor may not enroll in the District.

b. Physical Assault Against Another Student

If a student in grade 6 or above commits a physical assault at school against another student and the physical assault is reported to the Board or to an administrator, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for committing a physical assault against another student may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

c. Applicable Definitions for Physical Assault Against Student

i. "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.

ii. "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

5. Bomb Threat or Similar Threat

If a student in grade 6 or above makes a bomb threat or similar threat directed at a school building, other District property, or at a school-related event, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for making a bomb threat or similar threat may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

I. Statewide School Safety Information Policy (SSSIP) & Law Enforcement Reporting

The Superintendent or designee must notify law enforcement when required by the SSSIP and make all other reports and provide all other notifications required by the SSSIP or any state or federal law. Nothing in this Policy limits the ability of a school administrator to contact law enforcement at any other time.

J. Educational Programming During Suspension or Expulsion

Except as otherwise required by law or as provided in this Policy, a student who has been suspended or expelled may not be on school property, attend classes or other school functions, or participate in extracurricular activities during the student's suspension or expulsion without written permission from the Superintendent or designee. District personnel may assist students who have been suspended or expelled to explore alternative means, as allowed by law, to earn credit and to complete coursework during the period of the student's suspension or expulsion.

Legal authority: 18 USC 921; 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date revised:

5206A Student Discipline - Due Process

The District will provide students due process to the extent required by state and federal law before a student is suspended or expelled. All District administrators must respect student due process rights.

If a District administrator determines that an emergency exists that requires the immediate removal of a student from school, the administrator may contact the student's parent/guardian or local law enforcement or take other measures to have the student safely removed from school. The administrator must, as soon as practicable thereafter, follow the procedures outlined in this Policy.

A. Building Administrator – 10 or Fewer School Days

Before suspending a student for 10 or fewer school days, an administrator must: (1) provide the student verbal notice of the offense the student is suspected to have committed, and (2) provide the student an informal opportunity to explain what happened. Except in emergency circumstances, an administrator will not suspend the student unless, after providing the student notice and an opportunity to explain, the administrator is reasonably certain that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence.

B. Superintendent or Designee – 59 or Fewer School Days

Before suspending a student for more than 10 school days but less than 60 school days, the Superintendent or designee must provide the parent/guardian or student with: (1) written notice of the offense the student is suspected to have committed; (2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and (3) an opportunity for a hearing at which the student may present evidence and witnesses to show that the student did not commit the alleged offense or that suspension is not an appropriate consequence. The Superintendent or designee will provide the parent/guardian or student at least 3 calendar days' notice before the hearing. The parent/guardian and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Superintendent or designee will not suspend the student unless, following the hearing, he or she is convinced by a preponderance of the evidence that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence. A parent/guardian or student may appeal the Superintendent's or designee's decision to the Board. The appeal must be submitted to the Board within 3 calendar days of the decision. The Board will hear the appeal at its next regularly scheduled meeting. The Board's decision is final. The student's suspension will run while the appeal is pending.

C. Board Suspension or Expulsion

Before the Board suspends or expels a student, the Superintendent or designee must provide the parent/guardian or student with: (1) written notice of the offense the student is suspected to have committed; (2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and (3) an opportunity for a Board hearing at which the student may present evidence and witnesses to show that the student did not commit the suspected offense or that suspension or expulsion is not an appropriate consequence. The Superintendent or designee will provide the parent/guardian or student at least 3 calendar days' notice before the hearing. The parent/guardian and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Board will not suspend or expel the student unless, following the hearing, a majority of the Board finds by a preponderance of the evidence that the student committed misconduct that should result in suspension or expulsion under either the student code of conduct or this Policy and that suspension or expulsion is the appropriate consequence. The Board's decision is final.

Legal authority: *Goss v Lopez*, 419 US 565 (1975)

Date revised:

5206B Student Discipline - Students with Disabilities

The District will follow all applicable state and federal laws related to disciplining students with disabilities. Students with disabilities are entitled to all due process protections

afforded to other students pursuant to Policy 5206A. For students with disabilities, the additional procedures and protections in this Policy also apply.

A. Change of Placement

On the date on which the District decides to: (1) expel a student with a disability; (2) suspend a student with a disability for more than 10 consecutive school days; (3) suspend a student with a disability for more than 10 cumulative school days in the same school year if a pattern of removals exists; or (4) place a student with a disability in an interim alternative educational setting (explained below), the District will notify the student's parent/guardian of that decision, will provide the parent/guardian a copy of applicable procedural safeguards, and will conduct a manifestation determination review (MDR) within 10 school days.

B. Manifestation Determination Review

The MDR team, which includes the parent/guardian and relevant members of the student's IEP or Section 504 Team, will determine whether the student's conduct was a manifestation of the student's disability.

1. Conduct Was a Manifestation

If the conduct was a manifestation of the student's disability, the District must immediately return the student to the placement from which the student was removed unless the parent/guardian and the District agree to change the placement or the student is placed in an interim alternative educational setting for up to 45 school days (see section C).

For a student with an IEP, if the conduct was a manifestation of the student's disability, the District must either: (1) conduct a functional behavioral assessment (unless one was previously conducted) and implement a behavior intervention plan for the student; or (2) if a behavior intervention plan was already developed, review and modify the behavior intervention plan to address the conduct at issue.

2. Conduct Was Not a Manifestation

If the conduct was not a manifestation of the student's disability, the District may proceed with the suspension or expulsion by adhering to the due process requirements in Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from recurring.

C. Interim Alternative Educational Setting ("IAES")

The District may remove a student with a disability who engages in any of the following conduct to an IAES for not more than 45 school days, even if the conduct is a manifestation of the student's disability:

1. carrying a weapon to or possessing a weapon at school, on school premises, or to or at a school function;

2. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function; or

3. inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.

For purposes of this section only, a "weapon" means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. A "weapon" does not include a pocket knife with a blade of less than 2½ inches in length.

No student with a disability may be removed to an IAES without first receiving the due process rights afforded under Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from continuing.

D. Dangerous Students

The District may remove a dangerous student from school as permitted by law. District administrators must follow all state and federal laws governing the removal of dangerous students with disabilities.

E. Services During Disciplinary Removal or IAES

A student who is eligible for services under the Individuals with Disabilities Education Act (IDEA) who is expelled or suspended for more than 10 school days during a school year or placed in a 45-school day IAES is entitled to receive programs and services, although in a setting other than the regular school setting, that are sufficient to enable the student to participate in the general education curriculum and to progress toward meeting the goals contained in the student's IEP.

F. Students Not Yet IDEA Eligible

A student who is not currently identified as a student with a disability under the IDEA is entitled to the rights and procedures provided to students with disabilities if the District had knowledge that the student was a student with a disability before the misconduct occurred. The District is deemed to have knowledge that a student was a student with a disability only if: (1) the student's parent/guardian expressed concern in writing to a school administrator that the student needed special education or related services; (2) the student's parent/guardian requested a special education evaluation; or (3) the student's teacher or other District personnel expressed specific concerns about a pattern of behavior demonstrated

by the student to the District's special education director or to other supervisory personnel. The District will not be deemed to have knowledge that the student was a student with a disability if: (1) the student's parent/guardian refused to allow the District to evaluate the student; (2) the student's parent/guardian refused special education for the student; or (3) the student was previously evaluated and determined to not be a student with a disability.

This Policy does not provide a comprehensive description of the disciplinary rights and procedures due to students with disabilities. District administrators must ensure that the rights of students with disabilities are protected and all procedures applicable to students with disabilities are followed as required by the IDEA, Section 504 of the Rehabilitation Act, state law, and Board Policy.

Legal authority: 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date revised:

5206C Student Discipline - Reinstatement Following Expulsion

The District will consider a petition for reinstatement from an expelled student or the parent/guardian consistent with this Policy and Revised School Code Sections 1311 and 1311a.

A. Reinstatement Following Mandatory Permanent Expulsion

The parent/guardian of a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon may file a petition for reinstatement 60 school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon no sooner than 90 school days after the expulsion date.

The parent/guardian of a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a dangerous weapon but not for possessing a firearm or threatening another person with a dangerous weapon, or who was expelled for committing arson or criminal sexual conduct, may file a petition for reinstatement at any time. The Board, in its discretion, may reinstate a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a dangerous weapon (unless the possession was of a firearm or involved threatening another person with a dangerous weapon) or for committing arson or criminal sexual conduct no sooner than 10 school days after the expulsion date.

The parent/guardian of a student (or student, if emancipated or at least 18 years old) who was in grade 6 or above at the time of expulsion and who was expelled for (1) possessing a dangerous weapon; (2) committing arson; (3) criminal sexual conduct pursuant to Policy 5206 H.3 (mandatory expulsion) or (4) physically assaulting an employee, volunteer, or contractor, may file a petition for reinstatement 150 school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade 6 or above at the time of expulsion and who was expelled for (1) possessing a dangerous weapon; (2) committing arson; (3) criminal sexual conduct pursuant to Policy 5206 H.3; or (4) physically assaulting an employee, volunteer, or contractor, no sooner than 180 school days after the expulsion date.

The parent/guardian (or the student, if emancipated or at least 18 years old) must prepare and submit the reinstatement petition. The Superintendent or designee will provide a reinstatement petition form, upon request, for the parent/guardian or student to use. The Board may request that the parent/guardian or the student attach additional relevant information to the reinstatement petition.

The Board will appoint a reinstatement committee, consisting of two board members, one administrator, one teacher, and one parent/guardian of a current District student to consider a reinstatement petition no more than 10 school days after receiving a reinstatement petition. The Superintendent must prepare and submit information to the reinstatement committee about the circumstances surrounding the student's expulsion and any factors supporting and not supporting reinstatement.

The reinstatement committee must convene not later than 10 school days following its appointment to: (1) review the reinstatement petition and supporting documentation submitted by the parent/guardian or the student; (2) review the information submitted by the Superintendent; and (3) submit to the Board a written recommendation whether the Board should unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement to the student based on consideration of all of the following factors:

1. the extent to which reinstatement would create a risk of harm to other students or District personnel;
2. the extent to which reinstatement would create a risk of District liability or individual liability for the Board or District personnel;
3. the student's age and maturity;
4. the student's school record before the incident that caused the expulsion;
5. the student's attitude concerning the incident that caused the expulsion;
6. the student's behavior since the expulsion and the student's prospects for remediation; and

7. if the petition was filed by a parent/guardian, the degree of cooperation that the parent/guardian has provided the student and the degree of cooperation the parent/guardian can be expected to provide the student if the student is reinstated.

Before making its recommendation, the reinstatement committee may request that the student and the parent/guardian appear in person to answer questions. If the committee recommends that the student be conditionally reinstated, the committee must include in its written recommendation to the Board a list of recommended conditions.

At or before its next regularly scheduled meeting following receipt of the reinstatement committee's recommendation, the Board will consider the recommendation and make a final decision to unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement. The Board may require a student, and if the petition was filed by a parent/guardian, the parent/guardian, to agree in writing to specific conditions to reinstatement, including, without limitation, a behavior contract, completion of an anger management program, a "last-chance" agreement, counseling, drug treatment, or a psychological evaluation. The District is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, parents/guardians (or the student, if emancipated or at least 18 years old) will provide verification that the conditions were satisfied. The Board's decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final.

If the Board denies reinstatement, the parent/guardian or student may not file another petition for reinstatement until 180 school days after the date of the denial, unless the Board specifies otherwise at the time of denial.

B. Reinstatement Following Discretionary Permanent Expulsion

Unless otherwise expressly authorized by the Board at the time of a permanent expulsion, a student expelled for reasons other than those resulting in a mandatory permanent expulsion under Policy 5206 may not petition the Board for reinstatement until at least 150 school days after the date of the expulsion, and the student may not be reinstated until at least 180 school days after the date of the permanent expulsion. Upon receipt of a timely reinstatement petition, the Board will hold a hearing at its next regularly scheduled meeting to consider the petition and any information submitted by the parent/guardian or student and the Superintendent or designee in either support of or opposition to the petition. The Board may unconditionally grant, conditionally grant, or deny the reinstatement petition. The District is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, parents/guardians (or students who are emancipated or at least 18 years old) will provide verification that the conditions were satisfied. The Board's decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final. If the Board denies reinstatement, the parent/guardian or student may not file another petition for

reinstatement until at least 180 school days after the date of the denial, unless the Board specifies otherwise at the time of denial.

Legal authority: 18 USC 921; 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date revised:

5206D Student Discipline - Enrollment Following Misconduct at Another Public or Nonpublic School

To the extent permitted by law, the District may deny enrollment to a student who engaged in misconduct in another public or nonpublic school and who seeks to enroll in the District either: (1) before the previous school imposes disciplinary consequences for the misconduct; or (2) while the student is suspended or expelled from the previous public or nonpublic school. The Superintendent or designee must refer the student to the Board if, under the student code of conduct, the student's misconduct in the previous public or nonpublic school would result in a long-term suspension or expulsion from that institution and, in the Superintendent's or designee's opinion, the student's enrollment in the District would jeopardize the safety or welfare of the District or substantially disrupt District operations. The Board will hold a pre-enrollment hearing following the Superintendent's or designee's referral to consider whether the student may enroll and, if so, any conditions on enrollment. The Board will consider any information submitted by the parent/guardian or student and the Superintendent in either support of or opposition to the student's enrollment.

This Policy does not apply to students seeking to enroll who have been expelled for any of the following offenses:

A. possession of a firearm or other dangerous weapon;

B. arson;

C. criminal sexual conduct pursuant to Policy 5206 H.3;

D. physical assault on an employee, contractor, or volunteer if student is in grade 6 or above;

E. physical assault of another student if student is in grade 6 or above; and

F. a bomb threat or similar threat if student is in grade 6 or above.

Legal authority: MCL 380.11a, 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date revised:

5206E Student Discipline - Suspension from Class, Subject, or Activity by Teacher

A teacher may suspend a student from any class, subject, or activity for up to one full school day if the teacher has good reason to believe that the student:

A. intentionally disrupted the class, subject, or activity;

B. jeopardized the health or safety of any of the other participants in the class, subject, or activity; or

C. was insubordinate during the class, subject, or activity.

Any teacher who suspends a student from a class, subject, or activity must immediately report the suspension and its reason to the building principal or designee. If a student is suspended from a class, subject, or activity, but will otherwise remain at school, the building principal or designee must ensure that the student is appropriately supervised during the suspension and, if the student is a student with a disability, that all procedures applicable to students with disabilities are followed.

Any teacher who suspends a student from a class, subject, or activity must, as soon as possible following the suspension, request that the student's parent/guardian attend a parent-/guardian-teacher conference to discuss the suspension. The building principal or designee must attend the conference if either the teacher or the parent/guardian requests the building principal's attendance. The building principal or designee must make reasonable efforts to invite a school counselor, school psychologist, or school social worker to attend the conference.

Legal authority: MCL 380.1309

Date revised:

5207 Anti-Bullying Policy

All types of bullying, including cyberbullying, without regard to subject matter or motivating animus, are prohibited.

A. Prohibited Conduct

1. Bullying, including cyberbullying, a student at school is prohibited. Bullying is any written, verbal, or physical act, or electronic communication that is intended to or that a reasonable person would know is likely to harm one or more students directly or indirectly by doing any of the following:

   a. substantially interfering with a student's educational opportunities, benefits, or programs;

   b. adversely affecting a student's ability to participate in or benefit from the District's educational programs or activities by placing the student in

reasonable fear of physical harm or by causing substantial emotional distress;

c. having an actual and substantial detrimental effect on a student's physical or mental health; or

d. causing substantial disruption in, or substantial interference with, the District's orderly operations.

2. Retaliation or false accusations against the target of bullying, anyone reporting bullying, a witness, or another person with reliable information about an act of bullying, are prohibited.

B. Reporting an Incident

If a student, staff member, or other person suspects there has been a bullying incident, the person must promptly report the incident to the building principal or designee, or to the Responsible School Official(s), as defined below.

A report may be made in person, by telephone, or in writing (including electronic transmissions). If a bullying incident is reported to a staff member who is not the building principal, designee, or a Responsible School Official, the staff member must promptly report the incident to the building principal, designee, or a Responsible School Official.

To encourage reporting of suspected bullying or related activities, each building principal, after consulting the Responsible School Official(s), will create, publicize, and implement a system for anonymous reports. The system must emphasize that the District's ability to investigate anonymous reports may be limited.

Complaints that the building principal has bullied a student must be reported to the Superintendent. Complaints that the Superintendent has bullied a student must be reported to the Board President.

C. Investigation

All bullying complaints will be promptly investigated. The building principal or designee will conduct the investigation, unless the building principal or Superintendent is the subject of the investigation. If the building principal is the subject of the investigation, the Superintendent or designee will conduct the investigation. If the Superintendent is the subject of the investigation, the Board President will designate a neutral party to conduct the investigation.

A description of each reported incident, along with all investigation materials and conclusions reached, will be documented and retained.

D. Notice to Parent/Guardian

If the investigator determines that a bullying incident has occurred, the District will promptly notify the victim's and perpetrator's parent/guardian in writing.

E. Annual Reports

At least annually, the building principal or designee, or the Responsible School Official, must report all verified bullying incidents and the resulting consequences, including any disciplinary action or referrals, to the Board.

The District will annually report incidents of bullying to MDE in the form and manner prescribed by MDE.

F. Responsible School Official

The Superintendent is the "Responsible School Official" for this Policy and is responsible for ensuring that this Policy is properly implemented. This appointment does not reduce or eliminate the duties and responsibilities of the building principal or designee as described in this Policy.

Note: Because the Superintendent has absolute immunity from tort liability when acting within the scope of his or her authority, it is recommended by Thrun Law naming the Superintendent as the "Responsible School Official."

G. Posting/Publication of Policy

The Superintendent or designee will ensure that this Policy is available on the District's website and incorporated into student handbooks and other relevant school publications.

The Superintendent or designee will submit this Policy to the MDE within 30 days after its adoption.

H. Definitions

1. "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether it is held on school premises. "At school" also includes any conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the device or provider is owned by or under the control of the District.

2. "Telecommunications access device" means any of the following:

    a. any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device defined in MCL 750.157m (e.g., an electronic funds transfer card, a credit card, a debit card, a point-of-sale card, or any other instrument or means of access to a credit, deposit, or proprietary account) that alone or with another device can acquire, transmit, intercept, provide, receive, use, or otherwise facilitate the use, acquisition, interception, provision, reception, and transmission of any telecommunications service; or

b. any type of instrument, device, machine, equipment, technology, or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting, or receiving any telephonic, electronic, data, internet access, audio, video, microwave, or radio transmissions, signals, telecommunications, or services, including the receipt, acquisition, interception, transmission, retransmission, or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system, or facility, or any part, accessory, or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device, transponder, receiver, modem, electronic mechanism or other component, accessory, or part of any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition, or reception of any telecommunications, transmissions, signals, or services.

3. "Telecommunications service provider" means any of the following:

   a. a person or entity providing a telecommunications service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging, or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunications service;

   b. a person or entity owning or operating any fiber optic, cable television, satellite, internet based, telephone, wireless, microwave, data transmission, or radio distribution system, network, or facility; or

   c. a person or entity providing any telecommunications service directly or indirectly by or through any distribution systems, networks, or facilities.

Legal authority: MCL 380.1310b; MCL 750.157m, 750.219a

Note: Anti-bullying was discussed at the public board meeting on December 18, 2023 and a public hearing was held on January 15, 2024 prior to the adoption of this policy as a part of the entire policy manual.

Date revised:

5208 Student Acceptable Use and Internet Safety Policy

Student use of District technology is a privilege, not a right, and is governed by Policy 3116 and the applicable acceptable use agreement. A student's failure to comply with Policy 3116 and the applicable acceptable use agreement may result in discipline or loss of technology privileges.

Students have no expectation of privacy in or right to continued use of District technology resources.

Date revised:

5209 Student Use of Cell Phone and Electronic Communication Devices

Students may not use cell phones or other electronic devices during school hours. Cell phones or other electronic devices must be stored in the student's locker during school hours if a student chooses to bring them to school.

Students are personally and solely responsible for the security of their cell phones and other electronic devices. The District is not responsible for theft, loss, or damage of any cell phone or other electronic device.

Taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal photographs, video, audio, or other similar data, whether by electronic data transfer or otherwise (including via cell phone or other electronic device), may constitute a crime under state or federal law. A student engaged in any of these activities at school, at a school event, or on school-provided transportation, may be subject to discipline pursuant to this Policy and the student code of conduct. A student engaged in any of these activities outside of school may be disciplined if the student's activities substantially disrupt or negatively affect the school environment.

School administrators and teachers may confiscate a student's cell phone or other electronic device if the student's use or possession of a cell phone or electronic device violates this Policy, the student code of conduct, or any applicable building or classroom rule. The building principal or designee may require a meeting with the student's parent/guardian to discuss the rule violation before returning the cell phone or electronic device.

Students who violate this Policy are subject to corrective or disciplinary action, consistent with Policy and the student code of conduct.

Legal authority: MCL 380.1303(2)

Date revised:

5210 Intentionally Left Blank

5211 Emergency Use of Seclusion and Restraint

The Board recommends MDE's Policy for the Emergency Use of Seclusion and Restraint, as approved and amended by the Michigan State Board of Education and MDE. Consistent with MDE policy, the Board recommends all District personnel to use positive

behavior interventions and supports to enhance the academic and social behavior outcomes of all students.

In accordance with state law, the use of emergency seclusion and emergency physical restraint is a last resort intervention that may be used when a student's behavior poses an imminent risk to the safety of the student or others and an immediate intervention is required. Use of emergency seclusion or emergency physical restraint must be consistent with state law.

The Board directs the Superintendent to ensure that all District personnel receive training pursuant to MDE policy.

Legal authority: MCL 380.1307 et seq.

Date revised:

5212 Registered Sex Offenders

Inclusion on the state's sex offender registry alone is not a sufficient basis to exclude a student from school. The District reserves the right, consistent with Policy 5411, to determine the educational placement of a student who is listed on the state's sex offender registry.

For a student who is listed on the state's sex offender registry, the building principal may establish a safety plan, which may include excluding the student from extracurricular activities.

Date revised:

5213 Personal Protection Orders Against Students

If a student obtains a personal protection order against another student in the same building, either student's parent/guardian should notify the building principal and provide a copy of the order. The building principal or designee may work with the families to change class schedules, lockers, lunch assignments, or bus assignments of either student. While the District will seek to work collaboratively with both families, the District will not enforce a personal protection order to which the District is not a party.

The existence of a personal protection order does not diminish a student's rights under the Individuals with Disabilities Education Act.

The existence of a personal protection order alone is not a sufficient basis to exclude a student from school. The District reserves the right, consistent with Policy 5411, to determine the educational placement of a student who is the subject of a personal protection order.

Date revised:

5300 Student Enrollment, Attendance, and Records

5301 Compulsory Attendance, Absenteeism, and Truancy

A. Required Attendance

Every person residing in the District who has legal or actual charge or control of a child who is of mandatory attendance age must ensure that the child regularly attends a public or private school or is receiving a home-school education unless the child has satisfied District graduation requirements or is otherwise exempt from Michigan's compulsory attendance requirements.

B. Mandatory Attendance Age

A child who is or will turn 6 years old before December 1 of the current school year and who has not turned 18 years old is of mandatory attendance age.

C. Exceptions

A parent/guardian of a child who is at least 16 years old may provide the District with written notice that the child has permission to stop attending school. Upon receipt of the written notice, the child will be exempt from this Policy.

D. Excused Absences

The following absences will be considered excused if they are confirmed by communication to the school from the student's parent/guardian:

- the student's physical or mental illness (a physician's verification is required after 4 consecutive days of absence for illness);
- medical appointments for the student;
- death or serious illness of the student's family member;
- attendance at a funeral, wedding, or graduation;
- appearance at court or for other legal matters;
- observance of religious holidays of the student's own faith;
- college planning visits; and
- personal or family vacations.

E. Excessive Absenteeism and Truancy

When a student is absent 10% of the school year in any term or semester, the building principal or designee will provide written notice to the student's

parent/guardian encouraging the student's regular daily attendance and explaining the truancy process.

If the Superintendent or designee determines that a student is repeatedly absent from school without valid excuse, is failing, or has behavior problems, and attempts to confer with the student's parent/guardian have not been successful, the Superintendent or designee may request the attendance officer who has jurisdiction in the District to send notice to the parent/guardian requiring the parent/guardian to meet with District personnel to discuss the matter.

When a student is absent 10% of the school year / is absent more than 10 days per school year and at least 5 of those days are not excused, the building principal or designee will notify the attendance officer who has jurisdiction in the District. Once notified, the attendance officer will investigate each case of nonattendance and will take all other steps permitted and required by law.

The building principal or designee may impose additional consequences for excessive absenteeism, consistent with the student handbook or published grading procedures.

Legal authority: MCL 380.1561 et seq.

Date revised:

5302 Enrollment in Kindergarten

A child must be at least 5 years old on or before December 1 of the school year to enroll in kindergarten. A child who will turn 5 years old after September 1 and on or before December 1 of the school year may only enroll in kindergarten if the child's parent/guardian provides written notice to the District. In that circumstance, the Superintendent or designee may recommend to the parent/guardian that the child is not ready to enroll in kindergarten. Regardless of this recommendation, the parent/guardian retains sole discretion to enroll the child in kindergarten, so long as the child will turn 5 years old on or before December 1.

A child who will not turn 5 years old on or before December 1 of the school year may not enroll in kindergarten without the express written authorization of the Superintendent, whose decision is final. The District may charge tuition in that instance.

Legal authority: MCL 380.1147

Date revised:

5303 Student Enrollment and Withdrawal

A. Student Enrollment

The District will enroll a student who is:

- a legal resident of the District or otherwise entitled by Michigan law to enroll in the District;
- under court jurisdiction and is placed in foster care if the Department of Health and Human Services or a child placing agency determines that the child should be enrolled in the District, regardless of residency;
- eligible to enroll as a schools-of-choice student under these Policies and Michigan law;
- the resident of another district with the consent of the resident district if, in the Superintendent's discretion, the student should be enrolled;
- the resident of another district as permitted and authorized by law if, in the Superintendent's discretion, the student should be enrolled;
- homeless, if the student has a right to enroll in the District pursuant to applicable law and Policy 5307;
- the child of a custodial parent/guardian assigned to active duty military service if the child's noncustodial parent/guardian or person serving *in loco parentis* for the child resides in the District and the child's custodial parent/guardian has provided a legally valid power of attorney;
- approved as a foreign exchange student pursuant to Policy 5306;
- a legal resident of a district that has contracted with the District for the student's educational services; or
- legally entitled to attend the District on a part-time basis.

The District may independently verify a student's residency status or eligibility for enrollment.

A person enrolling a student must provide the following within 30 calendar days after enrollment:

- a copy of the student's birth certificate; or
- other reliable proof of the student's identity and age and an affidavit explaining the inability to produce a copy of the student's birth certificate.

If the required documentation is not timely provided, the District will, after providing 30 calendar days' notice to the person enrolling the student, refer the matter to local law enforcement. The District will immediately report to law enforcement any affidavit that appears inaccurate or suspicious.

As a condition of enrollment, a person enrolling a student must provide documentation of the student's required immunizations or a valid immunization waiver pursuant to Policy 5713. Failure to submit the required documentation will result in the student's exclusion from school.

Within 14 calendar days after a transfer student enrolls, the building principal or designee must send a written request to the student's previous school requesting a copy of the student's school record.

A student who is or will be 20 years old on September 1 of the school year, or who has earned a high school diploma or GED, may not enroll in or continue to attend school in the District, except for a student with a disability, a student enrolling in an approved adult education or dropout recovery program, or when otherwise required by law.

Except for a student with a disability or a student enrolling in an approved early childhood program, a student who will not be 5 years old on December 1 of the school year may not enroll in or attend school in the District without the Superintendent's express written permission.

A student's placement, including building assignment and grade level, will be determined pursuant to Policy 5411.

B. Student Withdrawal

The District will disenroll a student upon receipt of either written notice from a parent/guardian of intent to withdraw or a records request from another school. If at the time of receipt of a notice of disenrollment there are pending disciplinary proceedings against the student involving potential suspension or expulsion, the District may elect to complete those proceedings.

Legal authority: MCL 380.1135, 380.1147, 380.1148, 380.1148a

Date revised:

5304 Nonpublic School Students; Part-Time Attendance

A resident student who attends a nonpublic school or who is home-schooled and who otherwise meets the enrollment requirements in Policy 5303, has the right to enroll in nonessential elective courses (including co-curricular activities associated with those courses) that the District provides to public school students in the same grade level or age group. The District may provide instruction in nonessential elective courses to students at a nonpublic school site, consistent with state law and subject to constitutional constraints, so long as comparable instruction is provided to public school students in the same grade level or age group. The District may also permit nonresident, home-schooled and nonpublic school students to enroll in nonessential elective courses that the District

provides to students in the same grade level or age group consistent with state law and subject to constitutional constraints.

A nonpublic, part-time student, regardless of residency and instructional location, is subject to the same course requirements and prerequisites that apply to all other District students.

A nonpublic, part-time student is subject to all District rules and applicable student codes of conduct.

The District is not required to provide transportation to a nonpublic, part-time student.

Nonpublic, part-time students may participate in District-provided athletics or extracurricular activities.

The Superintendent or designee must ensure that all courses and related optional experiences offered or provided to nonpublic, part-time students satisfy the requirements of state and federal law and applicable provisions of the Michigan Pupil Accounting Manual.

Legal authority: MCL 388.1766b

Date revised:

5305 Schools-of-Choice

The Board will annually determine whether the District will accept schools-of-choice students who reside in the same ISD in which the District is located, who reside within an ISD contiguous to the ISD in which the District is located, or both. If the Board determines that schools-of-choice students will be accepted for enrollment, the Board will establish the grades, schools, and programs in which they may enroll and the number of schools-of-choice students the District will accept for each open grade, school, or program.

If the Board determines that the District will accept schools-of-choice students, the Superintendent or designee will ensure that applicable provisions of state law are followed, including, without limitation:

A. publishing the grades, schools, and programs for which the District will accept schools-of-choice applicants;

B. establishing an application period of at least 15 and no more than 30 calendar days if the Board has limited the number of schools-of-choice students who may enroll in a grade, school, or program;

C. selecting students who may enroll in the following manner:

    1. the Superintendent or designee must give preference to an applicant who resides in the same household as a student already enrolled in the District;

2. the Superintendent or designee may refuse to enroll a student who has been suspended from another school in the preceding 2 years or who has ever been expelled from another school or convicted of a felony;

3. the Superintendent or designee will require that schools-of-choice students meet the same criteria that a resident student must meet to enroll in a grade or specialized/magnet school or program;

4. if, after applying the enrollment preferences and exclusions described in this Policy, there are more applicants than spots available in a particular grade, school, or program, the Superintendent or designee will select students based on a random draw lottery;

5. except as otherwise stated in this Policy, the Superintendent or designee may not make enrollment decisions based on any other factors.

D. following all notice and timeline requirements;

E. allowing a student who has enrolled as a schools-of-choice student to continue to enroll in the District until the student graduates, enrolls in another school, drops out of school, or is expelled from school;

F. requesting records from a student's previous district.

Before enrolling a student who resides outside of the ISD in which the District is located and who has been identified as a child with a disability under the Individuals with Disabilities Education Act, the Superintendent or designee will attempt to enter into a cost-sharing agreement with the student's resident district. If the District and the student's resident district fail to reach a cost-sharing agreement, the student will not be enrolled in the District.

If the District receives a request from another district for records about a resident student's schools-of-choice application, the Superintendent or designee will promptly respond to the request.

The Superintendent or designee may pursue all available legal options, including referral to law enforcement, against any person who provides false or misleading information on a schools-of-choice application.

Students not eligible to enroll pursuant to this Policy may only enroll consistent with Policy 5303.

Legal authority: MCL 388.1705, 388.1705c

Date revised:

5306 Foreign Students

The District will not deny enrollment to resident students or otherwise discriminate against students based on immigration or visa status. All resident students, regardless of immigration or visa status, who otherwise meet Policy 5303's requirements may enroll in the District.

A student seeking to enroll in the District should verify that the student's enrollment will comply with federal laws, regulations, and guidance applicable to the student's immigration or visa status. Failure to do so may negatively impact the student's immigration or visa status.

A student with an F-1 visa who enrolls in the District in compliance with federal law must reimburse the District the full, unsubsidized per capita cost of providing education at the District for the period of the student's attendance.

A student with a J-1 visa who is sponsored by a formal student exchange program may enroll in the District without paying tuition if the student's host family resides in the District and the student otherwise meets the requirements of state and federal law and Policy 5303.

Nothing in this Policy should be construed to require the District to facilitate a student's visa.

Foreign students are subject to all laws, Board Policies, rules, behavioral expectations, and applicable student codes of conduct.

Legal authority: 8 USC 1184(m); MCL 380.1401; *Plyler v Doe*, 457 US 202 (1982); OAG, No. 6316, p 151 (September 25, 1985)

Date revised:

5307 Homeless Students

A. General Policy

The District will provide a free public education to homeless children and youth who are in the District and afford them the educational rights and legal protections provided by federal and state law. Homeless children and youth will not be stigmatized or segregated based on their homeless status and will have the same access to services offered to students who are not homeless. It is the intent of this Policy to remove barriers to the enrollment and retention of homeless students in the District.

B. Homeless Liaison

The homeless liaison will coordinate services to ensure that homeless children and youth enroll in school and have the opportunity to succeed. The liaison will also coordinate and collaborate with state homeless coordinators, community agencies, and District personnel responsible for the provision of education and

related services to homeless children and youth, including unaccompanied youth. A student or parent/guardian in a homeless situation who requires assistance should contact the District's homeless liaison:

Student Success Coach
Fennville Alternative High School
269-722-3580

The liaison's responsibilities include ensuring that:

1. homeless children and youth are identified by District personnel through outreach and coordination activities with other entities and agencies;

2. homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, the District's schools;

3. homeless families and homeless children and youth have access to and receive educational services for which the families and students are eligible, including Head Start, early intervention services under Part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District;

4. homeless families and students receive referrals to health care, dental services, mental health and substance abuse services, housing services, and other appropriate services;

5. parents/guardians of homeless children and youth, and unaccompanied youth, are informed of the educational and related opportunities available to their students and are provided with meaningful opportunities to participate in their student's education;

6. public notice of the educational rights of homeless children and youth is disseminated in locations frequented by parents/guardians of homeless children and youth, and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents/guardians of homeless children and youth, and unaccompanied youth;

7. enrollment disputes involving homeless children and youth are resolved as quickly as possible after receiving notice of the dispute and in accordance with any applicable state or District procedures;

8. parents/guardians of homeless children and youth, and unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school that is selected;

9. District personnel providing services to homeless children and youth receive professional development and other support to assist in meeting the educational and related needs of homeless students;

10. unaccompanied youths who are enrolled in school have: (a) opportunities to meet the same challenging state academic standards as children and youth who are not homeless; (b) appropriate secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school; (c) access to counselor services and supports to prepare for and improve college readiness; and (d) notice of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the liaison to receive verification of that status for Free Application for Federal Student Aid (FAFSA) purposes; and

11. performance of any other duties identified in this Policy and applicable federal laws or state guidelines governing the homeless liaison's duties.

The homeless liaison will participate in relevant professional development and other technical assistance activities as part of the liaison's duties and may work with other District personnel to accomplish the responsibilities described in this Policy.

C. Definitions

1. "Homeless children and youth" means persons who lack a fixed, regular, and adequate nighttime residence and includes children and youth who:

   a. are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

   b. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

   c. are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

   d. are migratory children who qualify as homeless because they are living in circumstances described above.

2. "Child" and "youth" refers to persons who, if they were children of residents of the District, would be entitled to a free education.

3. The term "unaccompanied youth" means a homeless child or youth not in the physical custody of a parent/guardian.

4. "School of origin" means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

D. District's Obligation

In the best interest of a homeless child or youth, the District generally will:

1. continue the child's or youth's education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year and for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

2. enroll the child or youth in any public school that students who are not homeless who live in the attendance area in which the child or youth is actually living are eligible to attend.

E. School Stability

In determining the best interest of a homeless student, the District will presume that keeping a homeless child or youth in the student's school of origin is in the student's best interest unless it is contrary to the request of the student's parent/guardian, or in the case of an unaccompanied youth, the youth. In determining the school placement of a homeless child or youth, the District will also consider factors related to the impact of mobility on the homeless child or youth's achievement, education, health, and safety, giving priority to the parent's/guardian's or the unaccompanied youth's request. In the case of an unaccompanied youth, the District will assist in placement or enrollment decisions and will give priority to the unaccompanied youth's views.

If, after consideration of the presumption and factors above, the District determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent/guardian or unaccompanied youth, the District will provide written explanation of the reasons for its determination in a manner and form understandable to the parent/guardian or unaccompanied youth, including information about the right to appeal.

F. Immediate Enrollment

The District will immediately enroll homeless children and youth, including unaccompanied youth, even if they are unable to produce records normally required for enrollment such as previous academic records, immunization records, residency documents, birth certificates, or other documentation or the child or youth has missed application or enrollment deadlines. The District will immediately contact the school last attended by the student to obtain relevant academic and other records. The District's homeless liaison will assist in obtaining any necessary immunizations or screenings or immunization or other required health records.

G. Comparable Services

The District will provide homeless children and youth services that are comparable to those offered to students who are not homeless, including transportation services, Title I services, programs and services for students with disabilities under

IDEA and Section 504, career and technical education, programs for gifted and talented students, programs for English learners, and school nutrition programs.

H. Transportation

Transportation will be provided to homeless students to the extent required by law and will be comparable to that provided to students who are not homeless. At the request of the parent/guardian (or for an unaccompanied youth, the liaison), transportation will be provided to and from the school of origin as follows:

1. If the homeless child or youth continues to live in the area served by the District, the child's or youth's transportation to and from the school of origin will be provided or arranged by the District.

2. If the homeless child's or youth's living arrangements in the area served by the District terminate and the child or youth begins living in an area served by another school district, the District and the other school district in which the homeless child or youth is living must agree on a method to apportion the responsibility and costs for providing the homeless student with transportation to and from the District. If the districts are unable to agree, the responsibility and cost for transportation will be shared equally.

I. Records

The District will maintain and respond to requests for enrollment records for homeless children or youth consistent with Policy 5309 and state and federal record laws. Any information about a homeless child's or youth's living situation will be treated as a confidential education record and not directory information.

J. Dispute Resolution

If a dispute arises about a homeless student's eligibility, school selection, or enrollment, the homeless student, including an unaccompanied youth, must be immediately enrolled and served in the school in which enrollment is sought, pending final resolution of the dispute.

A complainant should contact the District's homeless liaison who will follow MDE-approved District dispute resolution processes or MDE dispute resolution/complaint procedures to quickly resolve the dispute.

Legal authority: 42 USC 11431 et seq.

Date revised:

5308 Protection of Pupil Rights

A. Surveys, Analyses, and Evaluations

Parents/guardians may inspect any survey created by a third party before that survey is administered or distributed to their student. All survey inspection requests must be made in writing to the building principal before the survey's scheduled administration date.

The District must obtain written consent from a student's parent/guardian before the student is required to participate in a survey, analysis, or evaluation funded, in whole or in part, by the U.S. Department of Education that would reveal sensitive information. For all other surveys, analyses, or evaluations that would reveal sensitive information about a student, the District will provide prior notice to the student's parent/guardian and an opportunity for the parent/guardian to opt their student out.

Employees may not request or disclose the identity of a student who completes a survey, evaluation, or analysis containing sensitive information.

"Sensitive information" includes:

- political affiliations or beliefs of the student or the student's parent/guardian;
- mental or psychological problems of the student or the student's family;
- sexual behavior or attitudes;
- illegal, anti-social, self-incriminating, or demeaning behavior;
- critical appraisals of other persons with whom the student has close family relationships;
- legally recognized privileges or analogous relationships, such as those with lawyers, physicians, and ministers;
- religious practices, affiliations, or beliefs of the student or the student's parent/guardian; or
- income (other than that required by law to determine eligibility for participating in a program or for receiving financial assistance under that program).

B. Invasive Physical Examinations

Parents/guardians may refuse to allow their students to participate in any non-emergency, invasive physical examination or screening that is: (1) required as a condition of attendance, (2) administered and scheduled by the District, and (3) not necessary to protect the immediate health and safety of a student.

"Invasive physical examination" means:

1. any medical examination that involves the exposure of private body parts; or

2. any act during an examination that includes incision, insertion, or injection into the body that does not include a hearing, vision, or scoliosis screening.

C. Collection of Student Personal Information for Marketing

No employee will administer or distribute to students a survey or other instrument for the purpose of collecting personal information for marketing or selling that information.

"Personal information" means individually identifiable information that includes:

1. student's and parents'/guardians' first and last name;
2. home or other physical address;
3. telephone number; or
4. Social Security Number.

This Policy does not apply to the collection, disclosure, or use of personal information for the purpose of providing educational services to students, such as:

1. post-secondary education recruitment;
2. military recruitment;
3. tests and assessments to provide cognitive, evaluative, diagnostic, or achievement information about students; or
4. student recognition programs.

D. Inspection of Instructional Material

Parents/guardians may inspect instructional material consistent with Policy 5401.

E. Notification of Rights and Procedures

The Superintendent or designee will notify parents/guardians of:

1. this Policy and its availability upon request;
2. how to opt their child out of participation in activities as provided for in this Policy;
3. the approximate date(s) when a survey, evaluation, or analysis that would reveal sensitive information is scheduled or expected to be scheduled;
4. the approximate date(s) when the District or its agents intend to administer a non-emergency, invasive physical examination or screening required as a condition of attendance (except for hearing, vision, or scoliosis screenings); and

5. how to inspect any survey or other material described in this Policy.

This notification will be given to parents/guardians at least annually at the beginning of the school year and within a reasonable period after any substantive change to this Policy.

Parents/guardians who believe their rights have been violated may file a complaint with:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Legal authority: 20 USC 1232h

Date revised:

5309 Student Records and Directory Information

The District may collect, retain, use, and disclose student education records consistent with state and federal law.

A. Definitions

1. An "education record" is a record directly related to a student that the District or its agents maintain, except that an education record does not include:

   a. records kept in the maker's sole possession that are used as a personal memory aid and that are not accessible or revealed to any person except a temporary substitute for the maker;

   b. records maintained by a law enforcement unit of the District, as defined by the Family Educational Rights and Privacy Act (FERPA), if the record was created for a law enforcement purpose;

   c. records relating to a student who is at least 18 years old that are created or maintained by a psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity that are created or maintained only for the student's treatment (exclusive of remedial educational activities or educational activities that are part of the District's instructional program) and that are disclosed only to persons providing treatment (except that the records may be personally reviewed by a physician or other appropriate professional of the student's choice);

   d. records created or received by the District after a person is no longer a student in the District and that are not directly related to the person's attendance as a student in the District;

e. grades on peer-graded papers or assignments before they are collected or recorded by a teacher; or

f. records relating to a person employed by the District that are maintained in the normal course of business, relate only to the person's employment, and are not available for any other purpose. Records relating to a person employed as a result of that person's status as a student are, however, "education records."

6. "Personally identifiable information" means a student's name; the name of a student's parent/guardian or family member; the student's address or the address of a family member; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

7. "Directory information" is the information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates the following as directory information

   a. student names, addresses, and telephone numbers;

   b. photographs, including photographs and videos depicting a student's participation in school-related activities and classes;

   c. date and place of birth;

   d. major field of study;

   e. grade level;

   f. enrollment status (e.g., full-time or part-time);

   g. dates of attendance (e.g., 2013-2017);

   h. participation in officially recognized activities and sports;

   i. weight and height of athletic team members;

   j. degrees, honors, and awards received; and

   k. the most recent educational agency or institution attended.

   The Board further designates District-assigned student email addresses as directory information for the limited purposes of: (1) facilitating the student's

participation in and access to online learning platforms and applications; and (2) inclusion in internal school and District email address books.

B. Collection and Retention of Records

School officials may collect and retain information about the District's students that is reasonably necessary for the District to perform its role as a public school district, including, without limitation, student work samples, assessments, evaluations, surveys, health and medical information, immunization records, birth certificates, proof of residence, proof of achievements and awards, behavior records, investigation reports, incident reports, attendance records, all records necessary for the District to satisfy state or federal legal obligations, and any record necessary for the District to prove that a student was accurately counted in membership for state aid and grant purposes.

The Superintendent or designee will ensure that all student records are retained consistent with the Records Retention and Disposal Schedule for Michigan Public Schools and Policy 3502 and that reasonable steps (including, without limitation, physical or technological controls) are taken to protect education records, including those stored electronically, from inadvertent or unauthorized disclosure.

C. Right to Inspect and Review Education Records

Parents/guardians may inspect and review their minor child's education records, regardless of custody status, unless a court order specifically provides otherwise.

Parents/guardians may also inspect and review the education records of an "eligible student" if the student is considered a dependent under Internal Revenue Code Section 152. An "eligible student" means a student who is at least 18 years old, an emancipated minor, or a student enrolled in a postsecondary institution. Eligible students have the right to inspect and review their own education records.

The District will not disclose a student's or parent's/guardian's phone number or address or the parent's/guardian's employment address to another person who is the subject of a court order that prohibits disclosure of the information if the District has received a copy of the order. The District will not disclose a confidential address, phone number, or email address in violation of the Address Confidentiality Program Act if the student or the student's parent/guardian notifies the District that the student or the student's parent/guardian has obtained a participation card issued by the department of attorney general.

The District will make arrangements for a parent/guardian or eligible student to inspect and review the student's education records within a reasonable time from receiving a request and not more than 30 calendar days from the date of the request or, if the student whose records are requested is a child with a disability as defined by the Individuals with Disabilities Education Act, before any Individualized Education Program Team meeting, resolution meeting, or due process hearing.

D. Right to Request Explanation or Interpretation of Student Education Records

A parent/guardian or eligible student may request, in writing, an explanation or interpretation of a student's education records. School officials will respond to any reasonable request.

E. Right to Request Amendment of Education Records

A parent/guardian or eligible student may request that a student's education record be amended if the parent/guardian or eligible student believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights. The Superintendent will develop administrative guidelines explaining the process by which a parent/guardian or eligible student may request an amendment to the student's records and that the parent/guardian or eligible student has the right to a hearing if the District refuses the request.

F. Disclosure of Education Records to School Officials

Except as noted in "Disclosure to a For-Profit Business Entity" (section J), a school official may receive and review personally identifiable information from a student's education record only if the school official has a legitimate educational interest in the information. A school official has a "legitimate educational interest" if the record review is necessary for the school official to perform an administrative, supervisory, or instructional task as assigned by the District or to perform a service or benefit for the student or the student's family. For purposes of this Policy, a "school official" is any person employed by the District. The Board further designates the following persons and entities as "school officials":

8. a person or company with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, medical consultant, or online educational service provider or vendor);

9. a contractor, consultant, volunteer, or other party to whom the Board has outsourced a service or function otherwise performed by District employees (e.g., a therapist, a school resource officer, or an authorized information technology specialist);

10. a parent/guardian or student serving on an official committee, such as a disciplinary, reinstatement, or grievance committee; and

11. a person, including a volunteer, who is assisting another school official in performing the official's duties.

The above-identified persons and entities must: (a) perform institutional services or functions for which the District would otherwise use its own employees, (b) be under the direct control of the District as to the use and maintenance of education records, and (c) be subject to the requirements of FERPA regulations governing the use and re-disclosure of personally identifiable information from education records.

The Superintendent or designee will adopt procedures, including physical and technological controls, to ensure that only those school officials with a legitimate educational interest may access personally identifiable information from a student's education records.

G. Disclosure of "Directory Information"

Except as otherwise stated in this Policy, school officials may disclose "directory information" without the prior written consent of a parent/guardian or eligible student unless the parent/guardian or eligible student specifically notifies the District that the parent/guardian or eligible student does not consent to the disclosure of the student's directory information for 1 or more of the uses for which the District would commonly disclose the information.

The District will provide parents/guardians and eligible students with a Directory Information Opt Out Form, listing all uses for which it commonly discloses student directory information. The form will allow the parent/guardian or eligible student to elect not to have the student's directory information disclosed for 1 or more of the listed uses. Upon receipt of a completed Directory Information Opt Out Form, school officials may not release the student's directory information for any of the uses selected on the form.

The Superintendent or designee will provide the Directory Information Opt Out form to all parents/guardians or eligible students within the first 30 days of the school year. The form will also be made available at a parent's/guardian's or eligible student's request at any time during the school year. If the parent/guardian or eligible student does not return the form, the District may release directory information as permitted by law. The Directory Information Opt Out form will be kept on file for 1 year.

To ensure that directory information is not improperly used, the Superintendent or designee may require that a person requesting directory information execute an affidavit stating that, if disclosed, the directory information will not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

H. Disclosure of Education Records to Another School

School officials may release or disclose personally identifiable information contained in a student's education record without the consent of the parent/guardian or eligible student to another school or post-secondary institution in which the student seeks or intends to enroll, is enrolled, or from which the student receives services, if the disclosure is related to the student's enrollment or transfer.

I. Tagged Records and Record Transfers

Upon notification by a law enforcement agency that a student under age 17 is missing, the building principal or designee will tag the student's record in a manner that will alert both District and ISD personnel that the student is considered

missing. Within 7 calendar days after receiving notice from a law enforcement agency that a student is no longer considered missing, the building principal or designee will remove the tag from the student's record.

Within 30 calendar days after receiving a request from a school in which a student has enrolled, the building principal or designee will forward the student's education records to the requesting school unless the student's record has been tagged as described in this Policy. If the record has been tagged, the building principal or designee will not forward the student's education records to the requesting school and will notify law enforcement.

J. Disclosure to a For-Profit Business Entity

School officials will not sell or otherwise provide any personally identifiable information that is part of a student's education records to a for-profit business entity, except as follows:

12. an employee or agent of a business entity acting as a "school official" as defined in this Policy;

13. pursuant to a management agreement between a public school academy and an educational management organization;

14. as necessary for standardized testing; or

15. as necessary to a person who is providing educational or educational support services to the student pursuant to a contract with the school.

K. Disclosure of Education Records in Response to Subpoena/Court Order

To the extent consistent with state law, including the nondisclosure requirements of Revised Judicature Act Section 2165, school officials may release or disclose personally identifiable information contained in a student's education records without the consent of the parent/guardian or eligible student upon receipt of a court order or lawfully issued subpoena requiring disclosure of the information. To the extent permitted or required by law, before complying with a court order or subpoena, school officials must notify the parent/guardian or eligible student, in writing, that the District intends to comply with the court order or subpoena.

L Disclosure of Education Records in Other Circumstances

Except as provided in this Policy, the District and its employees and agents are prohibited from disclosing personally identifiable information from a student's education records without the written consent of a parent/guardian or eligible student unless the disclosure is otherwise permitted or required by law, including, without limitation, if the disclosure is:

- necessary because of a health or safety emergency;
- to authorized state or federal officials;

- in connection with a student's application for or receipt of financial aid;
- made for purposes of conducting a study for or on behalf of an educational agency or institution;
- to an accrediting organization;
- concerning a registered sex offender; or
- to a representative of a child welfare agency for a foster child.

A school official may not disclose personally identifiable information from a student's education records unless disclosure is consistent with the requirements of state and federal law, including FERPA.

M. Disclosure Logs

The Superintendent or designee will maintain, to the extent required by law, a log of those persons to whom personally identifiable information from a student's education records has been disclosed. The record will identify the student whose information was disclosed, the person or entity who requested or received the information, the information that was disclosed, the date the parent/guardian or eligible student provided written consent (if necessary for the disclosure), a legitimate reason for the disclosure, and any other information required by law.

Subject to the limitations below, a parent/guardian or eligible student may request, in writing, information related to disclosure of personally identifiable information by the District. This information includes:

- the specific personally identifiable information that was disclosed by the District;
- the name and contact information of each person, agency, or organization to which the District disclosed the student's personally identifiable information; and
- the legitimate reason that the person, agency, or organization had in obtaining the personally identifiable information.

The District is not required to provide information about the disclosure of personally identifiable information if the personally identifiable information is:

16. provided to MDE or CEPI;
17. provided to the eligible student or the student's parent/guardian;
18. provided to an intermediate school district providing services pursuant to a written agreement;

19. provided by an intermediate school district to a school district or to a public school academy in which the pupil is enrolled or to a school district or public school academy providing services to the pupil pursuant to a written agreement;

20. provided to a person, agency, or organization with the written consent of the eligible student or the student's parent/guardian;

21. provided to a person, agency, or organization in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction;

22. provided as necessary for standardized assessments that measure the student's academic progress and achievement;

23. covered by the District's Directory Information Opt Out Form, unless the parent/guardian or eligible student has signed and submitted the Opt Out Form.

N. Video Recordings

A video recording that is directly related to a student may be an "education record" (e.g., when it is maintained to document student conduct or misconduct, unless it is maintained by a law enforcement unit and used solely for a law enforcement purpose). The Superintendent or designee will determine, on a case-by-case basis, upon receipt of a request for the video's disclosure, whether a particular video is an "education record" and whether it contains "personally identifiable information" about a student. If the Superintendent or designee determines that a video recording is an "education record," its release and disclosure and the rights of parents/guardians and eligible students to inspect and review the video recording are governed by this Policy, applicable laws, and relevant state and federal guidance.

O. Disclosure of Records to Law Enforcement

Nothing in this Policy limits a school official's right or duty under state law or pursuant to the Statewide School Safety Information Policy to contact law enforcement to report possible criminal activity. A school official may not, however, disclose personally identifiable information from a student's education records to law enforcement without the prior written consent of a parent/guardian or eligible student unless disclosure is otherwise permitted or required by state or federal law (e.g., in response to a health or safety emergency or a court order or subpoena).

If a school official reports possible criminal activity of a student with a disability as defined by the Individuals with Disabilities Education Act, the school official must transmit a copy of the student's special education records and disciplinary records to the authorities to whom the crime is reported in a manner consistent with FERPA (i.e., with prior written consent or a lawful exception to consent). Except for disclosures in response to a health or safety emergency, school officials must seek written consent to transmit the records of a student with a disability immediately after reporting the student's potential criminal activity to authorities.

P. Disclosure of Information to Military Recruiter

The District will provide recruiters of the Armed Forces of the United States with at least the same access to the high school campus and to directory information as is provided to other entities offering educational or employment opportunities to those students, as required by state and federal law. “Armed Forces of the United States” means the armed forces of the United States and their reserve components and the United States Coast Guard.

The Directory Information Opt Out Form must include the option to opt out of the disclosure of the student’s directory information to recruiters of the Armed Forces of the United States. Upon receipt of a written “opt out,” school officials may not release the student’s directory information to recruiters of the Armed Forces of the United States. The District may charge a fee, not to exceed the actual costs of copying and mailing the requested directory information, to recruiters of the Armed Forces of the United States, to the same extent it charges other organizations.

Q. Annual Notice Requirements

The Superintendent or designee will send an annual notice to parents/guardians and eligible students notifying them of the following:

24. the right to inspect and review their student’s education records;

25. the right to seek amendment of their student’s education records, the process for requesting amendment, and applicable hearing procedures;

26. the identity of designated “school officials” and the definition of “legitimate educational interest”;

27. the definition of “directory information” and notice that their student’s directory information may be disclosed without consent unless the parent/guardian or eligible student opts out of allowing disclosure;

28. the District’s practice to disclose a student’s education records, including disciplinary records, to another school or post-secondary institution in which the student seeks or intends to enroll or is enrolled;

29. the right to consent to the disclosure of personally identifiable information from a student’s education record before its disclosure, unless a nonconsensual disclosure is otherwise authorized by law;

30. the right to opt out of disclosure of directory information to recruiters for Armed Forces of the United States and their service academies;

31. the right to file a complaint with the U.S. Department of Education alleging that the District violated FERPA; and

32. the right to obtain a copy of the Board’s policies and administrative regulations about student records.

Legal authority: 20 USC 1401 et seq., 1232g, 7165, 7908; 26 USC 152; 34 CFR Part 99, 300; MCL 15.243(2); MCL 380.1134-1136, 380.1137a, 380.1279g; MCL 600.2165; MCL 722.30; MCL 780.855, 780.871; *Records Retention and Disposal Schedule for Michigan Public Schools*

Date revised:

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5401 Parent/Guardian Involvement in Education

A. Parent/Guardian Involvement

The District will take the following steps to encourage parent/guardian involvement in their student's education:

1. Parents/guardians will be provided the opportunity to review District-approved curriculum, textbooks, and instructional materials, including any material that will be used in connection with a survey, analysis, or evaluation, upon request.

    a. Requests to review curriculum, textbooks, and instructional materials must be made to the building principal.

    b. Parents/guardians may review textbooks based on availability and may review instructional materials within a time frame determined by the building principal or designee.

2. Parents/guardians will be permitted to attend and observe instructional activities in a class or course in which their student is enrolled and present.

    Parents/guardians must make an appointment with the building principal to observe instructional activities in a class or course in which the student is enrolled and present. The building principal will permit a parent/guardian observation unless the building principal determines that the observation would disrupt the class or course. Frequent observations are likely disruptive. Absent unusual circumstances, as determined by the building principal, observations that last more than 30 minutes or occur on consecutive days will not be permitted. Parents/guardians who want to observe instructional activities also must adhere to Policy 3105.

    Parents/guardians are not permitted to observe testing.

3. Parents/guardians may inspect and review their student's education records, upon written request, consistent with Policy 5309 and state and federal law.

4. At the beginning of the school year, the District will notify parents/guardians of students attending Title I schools of the right to request a copy of this Policy.

The District will provide a copy of this Policy to a requesting parent/guardian in a timely manner.

5. The Superintendent or designee may establish a parental involvement contracts with parents/guardians. These contracts must be voluntary and must include the following:

    a. the parent/guardian will:

        i. review homework and offer assistance when needed;

        ii. ensure the student arrives at school each day on time and ready to learn;

        iii. attend school functions and support the student's school activities; and,

        iv. make every effort to attend parent-/guardian-teacher conferences.

    b. The student will:

        i. participate in class discussions;

        ii. complete assignments in an accurate, neat, and timely manner;

        iii. come to school each day on time;

        iv. pay attention in class and complete assigned lessons;

        v. obey applicable rules and codes of conduct; and

        vi. respect teachers, school administrators, and other students.

    c. The teacher will:

        i. set high standards for quality instruction that promote grade-appropriate academic skills;

        ii. keep accurate attendance records;

        iii. teach students how to study;

        iv. review basic concepts taught in class;

        v. maintain a welcoming atmosphere; and

        vi. provide flexible scheduling for parent/guardian visits and participation.

    d. Ways for the parent/guardian to explain any obstacles that prevent compliance with the contract.

If a parental involvement contract identifies obstacles to participation, the Superintendent or designee will consider accessing possible resources to help overcome those obstacles.

B. Assessments and Surveys

1. State assessments

   Pursuant to state law, the District will not approve parent/guardian requests to opt students out of state assessments.

2. National Assessment of Educational Progress

   As a condition of receiving federal funds and as required by state law, the District may be selected to participate in the National Assessment of Educational Progress (NAEP). To help ensure that the District has a representative sample of students taking the NAEP, which will allow the District to assess the quality and effectiveness of its programming on a national level, the District strongly encourages all eligible students to participate. Student participation in NAEP is voluntary.

   The District will notify parents/guardians of students eligible to take the NAEP before the assessment is administered. Parents/guardians wishing to opt their students out of the NAEP assessment must notify the District in writing at least 3 school days before the assessment date to ensure that the District can coordinate supervision and alternative activities for students who have opted out.

3. Surveys

   Parents/guardians will be notified before their student participates in surveys on certain topics in accordance with Policy 5308.

Legal authority: MCL 380.1137, 380.1280b, 380.1295, 380.1507(3)

Date revised:

5402 Communication with Parents/Guardians

The District will inform parents/guardians of student progress, grades, and attendance through report cards, progress reports, parent/guardian-teacher conferences and parent/guardian access to the District's student information system. The District will notify a parent/guardian if a student is failing or close to failing a course, either through direct communication or through parent/guardian access to the District's student information system.

Other pertinent information will be communicated to parents/guardians by mail, electronic communication, telephone calls, personal contact, or other method deemed appropriate by the school staff member.

By providing the District with their telephone number(s), parents/guardians agree to receive notifications from the District's automated notification system.

Date revised:

5403 Rights of Non-Custodial Parents/Guardians

Absent production of a court order that provides otherwise, District personnel will treat each parent/guardian, regardless of custody or visitation rights, the same as to accessing student records, meeting and conferring with District personnel, visiting a child at school, and transporting a child to or from school. District personnel are not responsible for enforcing visitation or parenting time orders to which the District is not a party.

Legal authority: 34 CFR 99.3; MCL 722.30; OAG, No. 5027 (June 30, 1976)

Date revised:

5404 Free Textbooks, Materials, and Charging of Fees and Fines

The District will provide free instruction in accordance with state law and the State Board of Education's Position Statement on Free Textbooks, Materials, and the Charging of Fees.

A. Textbooks and Materials

   The District will not charge a fee for materials necessary to complete required or elective courses. Students and parents/guardians may purchase additional supplies at their own expense. The District may charge a reasonable and refundable deposit to cover damage to textbooks and supplies.

B. Fees

   The District will not charge students a fee to participate in curricular activities. The District may charge students a fee to participate in extracurricular and noncurricular activities to cover the District's reasonable costs. The District may require students to furnish specialized equipment and clothing required for participation in extracurricular and noncurricular activities or may charge a reasonable fee for the use of District-owned equipment or clothing. The activity's coach or sponsor will provide students with information about the fees charged and the equipment or clothing required.

C. Fines

   The District may require students and their parents/guardians to reimburse the District for actual costs to repair or replace District property that is lost, damaged, stolen, returned in a different condition, or not returned on time. The District may pursue legal remedies to collect unpaid fines.

D. Optional Insurance

The District may offer the opportunity for students or parents/guardians to purchase insurance to protect against damage to District equipment or supplies. The decision to offer insurance rests with the District.

E. Donations

The District may request donations of money, materials, equipment, or clothing from parents/guardians and community members to defray the costs of providing certain services and activities to students. Employees are directed to clearly communicate to students, parents/guardians, and community members that donations are voluntary.

A teacher may provide a list of suggested materials that students and parents/guardians may purchase. Purchasing materials is voluntary and not required for curricular activities.

F. Waivers

Students who qualify for free or reduced-price lunches under U.S. Department of Agriculture child nutrition programs will be provided a fee waiver or the necessary materials or equipment without charge for: (1) participation in extracurricular activities, (2) materials for course projects, and (3) the use of a musical instrument in elective music courses. Actual participation in the free or reduced-price lunch program is not required to qualify for these waivers. The District is not obligated to provide any particular type or quality of equipment or other material to eligible students. A student who wishes to be considered for a fee waiver must submit a completed fee waiver application to the building principal.

Legal authority: MCL 600.2913; State Board of Education's Position Statement on Free Textbooks, Materials, and the Charging of Fees (March 1972)

Date revised:

5405 Title I Parent and Family Engagement Policy

The District will jointly develop with parents/guardians a School-Parent-Student Compact that outlines how the Title I school, parents, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help students achieve state education standards.

The Engagement Policy will be jointly developed and distributed to parents and family members of participating students and the local community in an understandable format and, to the extent practicable, in a language the parents can understand. An annual evaluation of the Engagement Policy's content and effectiveness will be used to design evidence-based strategies for more effective parental involvement, to revise the Parent and Family Engagement Policy, and to remove barriers to participation. The Engagement

Policy will be reviewed annually at a meeting where concerned parties can discuss possible changes to the Engagement Policy.

The District recognizes the unique needs of students who are being served in its Title I program, and the importance of parent and family engagement in the Title I program. Parent and family engagement in the Title I Program must include, but is not limited to:

A. an annual meeting to which all parents of participating students will be invited to inform parents of their school's participation under this part, to explain the requirements of this part, and to explain the parents' right to be involved. Invitations may take the form of notes sent with students or announcements in the school newsletter. Additional meetings may be scheduled based on need and interest;

B. an explanation of the details for student and parent participation, including but not limited to: curriculum objectives, the forms of academic assessment used to measure student progress and achievement of the state academic standards, type and extent of participation, parental input in educational decisions, coordination and integration with other federal, state, and District programs, and evaluations of progress;

C. opportunities to participate in parent involvement activities, such as training parents to work with their students to improve achievement. A goal of parent activities is to provide parents with opportunities to participate in education-related decisions for their students, as appropriate;

D. to the extent practicable, opportunities for involvement in the Title I Program for parents of limited English proficiency, parents with disabilities, parents with limited literacy, parents who are economically disadvantaged, parents of a minority background, or parents of migratory children. Communication to parents about student progress and other Title I matters will be provided in a language the parent can understand, to the extent practicable. Responses to parent concerns will be provided in a timely manner;

E. opportunities for parent-teacher conferences, in addition to those regularly scheduled by the District, if requested by the parents or as deemed necessary by District staff;

F. coordination and integration of parental involvement programs and activities with other community programs. These may include cooperation with other community programs such as Head Start, preschools, and other community services; and

G. educating teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents in the value and utility of parental contributions, how to reach out to, communicate with and work with, parents as equal partners.

Legal Authority: 20 USC 6318

Date revised:

5406 Title I Funds

The District will use Title I funds to supplement, not supplant, state and local funds that would, in the absence of Title I funds, be spent on Title I programs. The District will ensure that Title I funds will not be used to provide services that otherwise take the place of public education services that are to be provided to all students. A student's eligibility for Title I services may not disqualify the student from any service for which the student is otherwise eligible.

The District will maintain records of Title I-funded professional development. The Superintendent or designee will ensure that professional development is aligned with the needs of the District's Title I programs. Title I-funded professional development will not duplicate that which is funded from other sources and which, in the absence of Title I funds, would be provided to all staff.

Legal Authority: 20 USC 6301 et seq.

Date revised:

5407 Instructional Program and Curriculum Development

The District will provide students with at least the minimum number of instructional hours and days each school year required by the state for full state aid funding. The District may deviate from this requirement only as permitted by state law.

The Board, advised by the Superintendent, will adopt a curriculum and procure textbooks and materials to support the curriculum.

The Superintendent or designee is responsible for providing and directing District-wide planning for curriculum, instruction, assessment, and staff development in accordance with Policy 2203. Committees consisting of educational professionals, including administrators, and community members, may be established to design instructional strategies and assessments to implement the curriculum.

A. Parent/Guardian Rights

   As described in Policy 5401, the District will provide a parent/guardian the opportunity to review District-approved curriculum, textbooks, and instructional materials upon request to the building principal. See Policy 5401 for appropriate procedures.

B. Complaints about Instructional Materials

   If a parent/guardian objects to their student's instructional materials, the following procedures will apply:

1. First Level – Objection to Teacher. The parent/guardian must submit an objection and explanation in writing to the relevant classroom teacher. The teacher will review the parent's/guardian's objection and either discontinue using the material or advise the parent/guardian of the educational and pedagogical reasons for the material.

2. Second Level - Appeal to Building Principal. If the parent/guardian disagrees with the teacher's response, the parent/guardian may submit a written appeal to the building principal stating the reasons why the parent/guardian objects to the materials. The building principal will confer with the relevant classroom teacher within 5 school days. The building principal will review the written objection and the materials in question to determine whether:

    a. the stated objection outweighs the educational and pedagogical reasons;

    b. the materials require the student to engage in conduct or practice that violates the student's sincerely held religious belief;

    c. the materials lack serious educational, literary, artistic, political, or scientific value for the age range of the students in question; or

    d. the materials are inappropriate or harmful for the age range of the students in question.

    The building principal will provide all parties with a written response granting or denying the appeal within 10 school days after conferring with the teacher.

3. Committee Review

    Third Level – Committee Review. If the parent/guardian disagrees with the building principal's response, the parent/guardian may submit a written appeal to the Superintendent within 5 school days after receiving the building principal's response. The Superintendent will create a committee to review the appeal. The committee will review the parent's/guardian's written objection, the building principal's written response, the parent's/guardian's written appeal, the materials being challenged, and any other information the committee deems relevant. The committee will issue a written decision within 30 calendar days of receiving the appeal based on the factors described in Section 2 above. The committee's decision is final.

C. Complaints about Library Materials

If a parent/guardian objects to materials in the school library, the parent/guardian must submit an objection and explanation in writing to the Superintendent identifying:

1. the basis for the objection;

2. any recent known use of the library materials in the school; and

3. any other relevant information.

The Superintendent will review the written objection and the materials in question in their totality to determine whether:

4. the materials lack serious educational, literary, artistic, political, or scientific value for the age range of the students in question; or

5. the materials are inappropriate or harmful for the age range of the students in question.

The Superintendent may, in his or her sole discretion, designate review to another administrator or employee. The Superintendent or designee will endeavor to provide a written response to the parent/guardian within 30 calendar days after receiving the objection. The Superintendent or designee's decision is final.

The District will not restrict access to the challenged material during the review process.

Legal Authority: MCL 380.1137, 388.1706

Date revised:

5408 Intentionally Left Blank

5409 Academic Credits and Graduation

A. Graduation Requirements

A student must successfully complete all graduation requirements to earn a high school diploma. The Superintendent will ensure that the District's required credits and graduation criteria are consistent with state law and annually published in applicable student handbooks.

Normally, a student will complete graduation requirements in four years. In order to receive a diploma and graduate, a student will need to meet the Michigan Merit Curriculum (MMC) requirements for basic coursework and earn at least twenty-two (22) credits, as articulated in the student handbook.

B. Personal Curriculum

In some cases, it may be appropriate to modify the Michigan Merit Curriculum for a student. Modifications may only be made in accordance with state law. The parent/guardian of a student who has completed grade 9 or a student who has reached age 18 may request a personal curriculum.

A teacher or school counselor may request that the District consider providing a student with a personal curriculum. If requested by a teacher, the teacher must currently teach or have expertise in a subject area proposed to be modified by the

personal curriculum or the building principal must determine that the teacher has qualifications relevant to developing a personal curriculum.

In all cases, a student's personal curriculum must be developed in accordance with state law.

The District will annually notify parents/guardians of their ability to request a personal curriculum.

C. Earning Credit

The District will grant credit to a student who successfully completes a course. Successful completion means that the student has demonstrated mastery of the state- or District-approved subject area content standards for the course by obtaining a D- or higher grade in the course based, in part, on at least 1 state or District-approved assessment.

Alternatively, the District will grant equivalent credit for a required Michigan Merit Curriculum course if the student earns a qualifying score, as determined by MDE or by the District, on a state- or District-approved assessment (i.e., "testing out").

The District will grant equivalent credit for a course if the student demonstrates a reasonable level of mastery by achieving a C+ or better on the final examination for the course or, if there is no final examination, by demonstrating subject area content knowledge by obtaining a C+ or better on an alternative assessment, such as a portfolio, performance, paper, project, presentation, or other established means. A student who earns credit in a course by "testing out" will not earn a grade in the course, and the credit will not be considered for determining grade point average or any honors earned based on grade point average.

The District will grant a student credit toward a diploma or alternative certificate if the student successfully completes, before entering high school, a state-mandated curriculum requirement by demonstrating proficiency on the content expectations for that curriculum requirement, either through successfully completing the course or by testing out.

Once a student earns credit in a course, either by successfully completing the course or by testing out, the student may not earn additional credit for the course or for a lower level course in the same subject.

The Board will recognize credits earned at other public schools and at accredited nonpublic schools. For students transferring from a home school program, the Superintendent or designee will assess whether the home school credit reflects proficiency in state and District content expectations for each course for which the student seeks to transfer credit. If the Superintendent or designee determines that the student is proficient in the subject area content, the District will award transfer credit.

Legal authority: MCL 380.1278a, 380.1278b, 380.1279b

Date revised:

5410 Commencement

The District may conduct a commencement ceremony for eligible students at the end of the school year. Participation in the ceremony is a privilege, not a right. The Superintendent or designee may prohibit students from participating in the ceremony as a consequence for misconduct. A student's disqualification from participating in the commencement ceremony does not impact the issuance of a diploma to the student, provided that all graduation requirements have been satisfied.

"Eligible students" means those students who have completed all District graduation requirements or who have received a certificate of completion.

A student may participate in only 1 commencement ceremony. Being permitted to participate in the ceremony does not constitute graduation, and only those students who have completed all graduation requirements will receive a diploma.

Date revised:

5411 Student Promotion, Retention, and Placement

The District has the sole discretion to make promotion, retention, and placement decisions for its students, consistent with state and federal law. The District may consider parent/guardian requests that a student be placed in a particular classroom, building, educational program, or grade.

A. Student Promotion and Retention

   The building principal will attempt to consult with a student's parent/guardian before deciding to retain a student, advance a student to the next grade mid-year, or allow a student to skip a grade level. If the parent/guardian disagrees with the building principal's decision about promotion or retention, the Superintendent or designee will make the final decision.

B. Student Placement

   The Superintendent or designee will determine a student's classroom and building placement based on District needs, available space, and educational expertise, consistent with state and federal law. The District's placement decision is final. Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

C. Intradistrict Choice

A student who is the victim of a violent criminal offense at school may transfer to another public school in the District, if available. A student who attends a Title I school in the District that has not made adequate yearly progress as defined by state and federal law for 2 or more consecutive years or who is attending a persistently dangerous school may transfer to another public school in the District, if available. The Superintendent or designee will notify parents/guardians if their student is eligible to transfer under this Policy.

This Policy incorporates the definitions for "violent criminal offense" and "persistently dangerous school" contained in the Michigan State Board of Education's Statewide Safe School Choice Policy.

D. Nontraditional Programs

The District may operate nontraditional programs to meet the needs of all students. Nontraditional programs may include alternative education or virtual settings. The building principal or designee will attempt to consult with a student's parent/guardian before finalizing a decision to move a student to a nontraditional program. If the parent/guardian disagrees with the building principal's or designee's decision, the Superintendent or designee will make the final decision. Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

E. Reserved

Legal authority: 20 USC 7912; MCL 380.1278a, 380.1278b, 380.1280f

Date revised:

5412-5414 Left Blank Intentionally

5415 Summer School

The District may offer a summer school program to provide additional educational opportunities for students who need remedial instruction, credit recovery, or enrichment experiences.

The Superintendent or designee will establish and implement procedures for the District's summer school program, if offered, which will be included in the applicable student handbook(s).

Date revised:

5416 Homebound and Hospitalized Instruction

The District will provide an enrolled student with instruction in the student's home, hospital, or licensed treatment facility if both of the following requirements are met:

A. the student's parent/guardian submits a homebound/hospitalized instruction form which includes verification by a legally authorized healthcare provider of a medical condition that requires the student to be hospitalized or confined to the home during regular school hours for a period longer than 5 consecutive school days. A student who is able to attend school for part of the day is not eligible for homebound instruction; and

B. the student is physically able to participate in instruction while hospitalized or confined to the home.

Homebound instruction is not intended to replicate the classroom experience. For most students, the District will provide a minimum of 2 45-minute sessions per week with a certificated teacher. For students with disabilities under the Individuals with Disabilities Education Act (IDEA), the District will provide a minimum of 2 nonconsecutive hours per week with a certificated teacher. Homebound instruction may be supplemented with a variety of in-person and distance learning services, as determined appropriate by the Superintendent or relevant educational team.

For students with disabilities under IDEA, the District will consider whether the student's homebound instruction constitutes a change in placement and whether an IEP Team meeting should be convened.

The District will provide homebound and hospitalized instruction consistent with state law and MDE guidance.

Legal authority: MCL 388.1709; Mich Admin Code R 340.2(11), 340.2(12), 340.1746; *Providing Homebound and Hospitalized Educational Services for Michigan Public School Pupils*, as amended; Michigan Pupil Accounting Manual

Date Revised:

5417 Homework

Homework is intended to facilitate and support student learning of concepts or skills found in the curriculum. Building principals or designees may adopt building- or grade-specific homework guidelines, which will be communicated to students, parents/guardians, and teachers.

Teachers will comply with any building- or grade-specific homework guidelines and should consider a student's age and capabilities and use their professional judgment in determining length, difficulty, and student readiness when assigning homework.

Teachers may consider a student's homework performance in determining a student's grade.

Date Revised:

5418 Grades

The Superintendent or designee will develop and implement student grading guidelines to be used by teachers. The objective of grades is to quantify and report each student's academic achievement.

The building principal will publish grade-change procedures, if any, for the school building in the student handbook. All procedures must be consistent with Board Policy.

Date Revised:

5419 Reading Assessments, Instruction, Intervention, and Retention

The District will provide instruction and interventions to promote literacy, with a specific emphasis on students in grades K-3, and will follow the procedures and requirements enumerated in state law.

Legal authority: MCL 380.1280f

Date Revised:

5420 Sex Education

A. Communicable Disease Instruction

The Superintendent or designee will ensure that students are taught about dangerous communicable diseases. Instruction must include the principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for disease restriction and prevention.

Instruction must be provided by qualified instructors as defined by state law. Instruction must stress that abstinence from sex is: (1) a responsible and effective method of preventing sexually transmitted diseases, and (2) a positive lifestyle for unmarried young people.

B. Sex Education Courses

The Board authorizes age-appropriate, medically-accurate instruction in sex education including, but not limited to, family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. Instruction may also include the subjects of reproductive health and the

recognition, prevention, and treatment of sexually transmitted diseases. The District's sex education curriculum must comply with state law.

Instruction must include principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for disease prevention.

Sex education instruction must be provided by qualified instructors as defined by state law. Instruction must stress that abstinence is (1) a responsible and effective method of preventing unplanned pregnancy, out-of-wedlock pregnancy, and sexually transmitted diseases, and (2) a positive lifestyle for unmarried young people.

Sex education is an elective course and is not required for graduation.

C. Reproductive Health Instruction

A reproductive health instruction program must be supervised by a licensed physician, a registered nurse, or other person certified by the State Board of Education as qualified.

No person may dispense or distribute a family planning drug or device on District property.

Clinical abortion is not considered a method of family planning, and abortion must not be taught as a method of reproductive health.

D. Revision to Materials and Methods of Instruction

Before significantly revising curriculum about dangerous communicable diseases or sex education materials or methods of instruction, the Board will hold at least 2 public hearings occurring at least 1 week apart on the proposed revisions.

E. Employee Responsibilities

Employees must comply with Policy 4209.

Legal authority: MCL 380.1169, 380.1506, 380.1507, 380.1507a, 380.1507b]

Date Revised:

5421 Work-Based Learning Experience

The District permits students to participate in approved work-based learning (WBL) experiences. All WBL experiences must comply with applicable law, regulations, and guidance, particularly those applicable to the employment of minors, workplace safety, workers' compensation, nondiscrimination, and unlawful harassment.

A WBL experience will be coordinated by the District through a training agreement with an employer. The employer must provide a training plan, acceptable to the District, which explains how the WBL experience relates to the student's educational objectives. The WBL experience must be supervised by the employer and monitored by a certified teacher employed by the District or an individual working under a valid substitute permit, authorization, or approval issued by MDE. The training agreement and training plan must comply with MDE guidance and be in effect by the applicable pupil count day. A copy of the training agreement and training plan will be kept on file at the District and with the employer.

A WBL experience may be paid or unpaid.

The Superintendent will designate a WBL Coordinator who will determine whether a proposed WBL experience complies with applicable state and federal laws, regulations, and guidance and is consistent with the student's educational objectives.

If the WBL Coordinator denies a student's request for a WBL experience, the student may appeal the decision to the Superintendent or designee, whose decision is final.

If the WBL Coordinator determines during the course of the WBL experience that the experience or worksite no longer complies with the approved training plan, District Policy, or state or federal laws, regulations, or guidance, the WBL Coordinator will, in consultation with the Superintendent or designee, determine whether the WBL experience should continue.

Credit for a WBL experience will be consistent with Policy 5409 and the applicable student handbook.

Date revised:

5500 School Sponsored and Extracurricular Activities

5501 Fundraising Activities

Student fundraising activities are subject to review and approval by the Superintendent or designee.

Date revised:

5502 Student Government

The purpose of student government is to provide students with leadership opportunities and experience in the representative democratic process.

Students may organize a student government, elect officers and representatives, conduct meetings, and engage in approved activities and functions designed to be beneficial to the student body.

A student government organization must be supervised by a staff member. A student government organization's charter, constitution, or bylaws will be subject to review and approval by the Superintendent or designee.

Date revised:

5503 Bulletin Boards and Other Student Postings

Space may be provided within school buildings or on school electronic media for students and student organizations to post notices related to student groups. The following general limitations apply:

A. All postings will be subject to the review and approval of the appropriate building administrator or designee. Students may not post any material containing any statement or expression that is libelous, obscene, or vulgar; violates Board policy, including the student code of conduct; promotes illegal substances (including, but not limited to, substances that are illegal for minors to possess or consume); or is otherwise unsuitable for or disruptive to the school environment.

B. All postings must identify the student or the student organization responsible for posting the notice.

C. The building principal or designee may remove any posted material after a reasonable time, as determined in the building principal's or designee's discretion.

Date revised:

5504 School-Sponsored Publications and Productions

School-sponsored student publications and productions are part of the District's instructional program. The Board supports the development of student communication skills through school-sponsored student publications and productions, which may include newspapers, yearbooks, theatrical performances, and electronic media.

All school-sponsored student publications and productions are nonpublic forums and must conform to high scholastic and professional journalistic standards. The Superintendent or designee may regulate the style and content of student publications and productions for legitimate pedagogical reasons. The Superintendent or designee may review and prohibit any school-sponsored student publication or production that does not conform to these standards or that contains material considered vulgar, profane, or unsuitable for or disruptive to the school environment.

Any advertisements contained in a school-sponsored publication or production must comply with Policy 3308.

Legal authority: U.S. CONST. amend. I

Date revised:

5505 School Attendance on Days of Scheduled Activities

Students who are absent from school for any part of the school day are not permitted to participate in an extracurricular activity, practice, competition, or performance on the day of absence unless the student has prior permission to participate from the building principal or designee.

Date revised:

5506 Field Trips

Field trips should generally be conducted during the school day.

A. General Conditions

All field trips must be pre-approved by the building principal or designee. Out-of-state and overnight trips require pre-approval from the Board or its designee. Field trips should be primarily academic in nature and related to the curriculum. The Superintendent or building principal(s) will develop procedures for approval of trips and communicate those procedures to instructional staff.

B. Parent/guardian Permission

Each student must submit a completed permission form signed by the student's parent/guardian before being allowed to attend a field trip.

C. Supervision

Teachers must ensure that students are adequately supervised and chaperoned by a responsible adult at all times during field trips. All chaperones must be at least age 21. A chaperone is prohibited from drinking alcoholic beverages or using non-prescribed controlled substances at any time during the field trip. A chaperone must adhere to all District and building volunteer requirements, including Policy 3105.

The District may deny or terminate a chaperone assignment for any reason that is not unlawful.

The District will not prohibit an eligible student from participating in a field trip solely because the student's parent/guardian does not chaperone.

D. Student Conduct

A student's failure to comply with Board Policy, the student code of conduct, and any other applicable rules or behavioral expectations while on a field trip may result in disciplinary action and removal or exclusion from the trip.

Date revised:

5507 Extracurricular Activities

A. General Purpose

Extracurricular activities, while an important part of the total school experience, are secondary to the academic program. Participation in extracurricular activities is a privilege, not a right.

Extracurricular activities *do not* include:

1. co-curricular activities such as band and choir, in which students must participate as part of the requirements for enrollment in and receiving a grade for a particular course; or

2. student-initiated, noncurricular student groups, which are permitted to hold meetings and events on school premises. These groups are not school-sponsored and are governed by Policies 3304 and 5510.

B. Governance

The District has exclusive control over extracurricular activities including, but not limited to, formation, naming, structure, operation, financing, and discontinuance.

Students and sponsors are governed by all Policies, applicable codes of conduct, and any other applicable rules or behavioral expectations.

Extracurricular groups may use District facilities consistent with Policy 3304.

C. Student Eligibility

Students are encouraged to participate in extracurricular activities. Participation is open to students who meet the eligibility requirements established by the District and any applicable governing body.

Students who wish to participate in extracurricular activities must abide by Board Policy, applicable codes of conduct, and any other applicable rules or behavioral expectations. A student's failure to comply with Board Policy, applicable codes of conduct, and any other applicable rules or behavioral expectations may result in disciplinary action and exclusion from extracurricular activities.

Students who participate in interscholastic athletics may not use performance-enhancing substances. Performance-enhancing substances include any

substance banned by the NCAA. Students who use performance-enhancing substances may be disciplined or excluded from the activity.

D. Advisors and Coaches

Each extracurricular activity must have an advisor who is a District employee or a selected community member who is qualified by virtue of education, training, experience, or special interest to serve as the advisor, as determined by the Superintendent or designee.

The Superintendent or designee will assign activity advisors. Advisors serve at the will of the Superintendent, who may remove an activity advisor in the Superintendent's sole discretion, absent contrary contractual provisions.

Sponsors may be required to develop materials, activities, and a budget; promote membership and participation; communicate with the building principal or designee, staff, students, and parents/guardians; schedule meeting dates and locations; plan meaningful experiences; supervise students during activities; evaluate and make program recommendations; and submit a year-end report to the building principal or designee.

E. Fundraising Activities

Fundraising activities must comply with Policy 5501.

Date revised:

5508 Extracurricular and Athletic Trips

The Superintendent or designee will annually publish in the student handbook(s) procedures for student transportation to and from extracurricular and athletic events. The procedures will comply with Policy 3105.

A student's failure to comply with Board Policy, the student code of conduct, and any other applicable rules or behavioral expectations while on a trip may result in disciplinary action and exclusion from future trips.

Date revised:

5509 Public Appearances of School Groups

The Board permits student groups to appear/perform at public events, subject to the following requirements:

A. activity advisors must secure the permission of the building principal or designee before booking a student group at a public event;

B. activity advisors are discouraged from booking student groups to perform on more than 1 school night (Sunday-Thursday) per week;

C. student groups may not be required to perform at a political rally or event;

D. student groups may not be required to perform at religious ceremonies; and

E. a student's failure to comply with Board Policy, the student code of conduct, and any other applicable rules or behavioral expectations during public appearances may result in disciplinary action and exclusion from future appearances at public events.

Date revised:

5510 Student-Initiated, Non-Curricular Clubs

Students may voluntarily form clubs that are not directly related to the curriculum to promote activities unrelated to the regular classroom environment. Membership in a student-initiated, non-curricular club must be open to all interested and eligible District students, and the club may not refuse membership to a student based on any protected classification under state or federal law.

Students seeking to create a student-initiated, non-curricular club must first obtain approval from the building principal. If the building principal denies approval, the students seeking to create the club may submit a written appeal to the Superintendent or designee within 5 school days after the denial. The Superintendent or designee must make a decision on the appeal within 15 school days after receiving the appeal. If the Superintendent denies the club approval, the students may submit a written appeal to the Board within 5 school days after the denial. The Board will be deemed to have received the appeal at its next regularly scheduled meeting and will consider and make its final decision on the appeal at its next regularly scheduled meeting following the meeting when it receives the appeal (i.e., the Board's final decision will be made by the second regularly scheduled meeting after the appeal is filed). The Board's decision is final.

Student-initiated, non-curricular clubs may not conduct activities on school property without prior permission from the building principal. Student initiated, non-curricular clubs are permitted to meet on school property only before or after the school day, or during lunch periods; they are not permitted to meet during instructional time. Meetings may not materially and substantially interfere with the orderly conduct of the school's educational activities or violate any Policy or state or federal law.

The District may assign a staff member to be present in a supervisory, but not participatory, capacity at meetings or activities of student-initiated, non-curricular clubs. Persons not affiliated with the District may not direct, conduct, control, or regularly attend meetings or activities of student-initiated, non-curricular clubs.

No public funds may be expended on behalf of the student-initiated, non-curricular clubs covered by this Policy except for the incidental cost of meeting space.

The District will comply with all applicable laws related to student-initiated, non-curricular clubs, including but not limited to the provisions of the Equal Access Act and the Boy Scouts of America Equal Access Act, and will not discriminate against or deny access to clubs or other groups protected by the applicable laws.

Legal authority: 20 USC 4071; 20 USC 7905; MCL 380.1299

Date revised:

5511 Secret Organizations

Secret organizations are prohibited. School property or school buildings may not be used for the purpose of rushing or soliciting students to participate in any secret organization, fraternity, sorority, society, or association.

Legal authority: MCL 380.1316

Date revised:

5600 Student Support Services

5601 Special Education

Eligible students with disabilities under the Individuals with Disabilities Education Act (IDEA) are entitled to a free appropriate public education through an individualized education program. The District will follow state and federal law and applicable rules and regulations in identifying, locating, evaluating, and educating students with disabilities.

IDEA-eligible students are protected from discrimination under Section 504 of the Rehabilitation Act, as outlined in Policy 5603.

Legal authority: 20 USC 1400 et seq.; 34 CFR Part 300; MCL 380.1701 et seq.; MARSE R 340.1701 et seq.

Date revised:

5602 Independent Educational Evaluation

A. An independent educational evaluation (IEE) is an evaluation conducted by a qualified examiner(s) not employed by the District.

As permitted by state and federal law, a parent/guardian may be entitled to an IEE at District expense if the parent/guardian disagrees with an evaluation conducted by or for the District.

B. The District will respond to an IEE request within 7 calendar days. The Superintendent or designee will establish criteria to obtain an IEE at District expense consistent with state and federal law. An IEE that fails to meet the criteria may not be eligible for payment by the District.

C. A list of suggested sources from which an IEE may be obtained will be provided to the parent/guardian upon receipt of an IEE request. The parent/guardian is not restricted to choosing an independent evaluator from that list.

An IEE will be considered by the District at an IEP Team meeting for the student.

Legal authority: 20 USC 1415(b)(1); 34 CFR 300.502; MARSE R 340.1723c

Date revised:

5603 Section 504

The District does not discriminate against any student with a disability, as that term is defined in Section 504 of the Rehabilitation Act (Section 504), in any District program or activity. Any claim of disability-based discrimination will be addressed pursuant to Policy 5202.

Eligible students are entitled to a free appropriate public education through a Section 504 plan. Students with disabilities who are also eligible for services under Policy 5601 will receive a free appropriate public education through an IEP.

The District will follow federal law and applicable regulations and guidance in identifying, locating, evaluating, and educating students with disabilities under Section 504. The Superintendent or designee will develop and implement procedures for identifying and serving eligible students under Section 504 that are consistent with federal law.

For purposes of this Policy, a free appropriate public education means the provision of regular or special education and related services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, and that are provided without cost (except for District fees imposed on students without disabilities and their parents/guardians).

Date revised:

5604 Student Assistance Process

The District may use general education student assistance teams to consider and create strategies to meet the needs of students who are struggling academically or behaviorally.

District personnel who suspect that a student may have a disability under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act must immediately refer the student for an evaluation.

Date revised:

5700 Student Health and Safety

5701 Child Abuse and Neglect

Mandated reporters must immediately report all instances of suspected child abuse or neglect pursuant to Michigan's Child Protection Law and Policy 4202. All other employees, volunteers, and contractors who are not mandated reporters are also expected to immediately report all instances of suspected child abuse or neglect.

The District will cooperate with Children's Protective Services (CPS) during an investigation of suspected child abuse or neglect. Cooperation may include allowing CPS access to a student without parent/guardian consent if CPS determines access is necessary to complete the investigation or prevent abuse or neglect. The District will not impose conditions on the investigator or investigation beyond what is permitted by law.

Before a CPS investigator is given access to a student, the building principal or designee will verify the investigator's credentials.

The building principal or designee may be present for the student's interview, at the discretion of CPS. If CPS seeks to remove a student from school, the building principal or designee will: (1) provide CPS with the student's parent/guardian phone number and address; and (2) request that the CPS official sign a statement certifying that the student is being removed because of safety-related concerns. If the CPS official refuses to or is unable to sign the requested certification, the building principal or designee will document the removal, including the name(s) of the CPS official(s) removing the student, the stated reason(s) given for the removal, the identity of the person(s) witnessing the removal, and the date and time of the removal.

The District may share student records with CPS only as permitted by Policy 5309 and the Family Educational Rights and Privacy Act.

If the District makes a report to CPS, the District will maintain a copy of the written report with the reporter's identity redacted. The reporter's identity will remain confidential unless disclosure is authorized by the reporter's consent or by court order.

"Mandated reporter" means a physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school

counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or child neglect.

Legal authority: 20 USC 1232g; MCL 722.621 et seq.

Date revised:

5702 Student Illness and Injury

A. Parents/guardians are expected to report student absences due to illness or injury to the building principal or designee. Students and parents/guardians should communicate with school staff to minimize the impact of illness or injury-related absences on the student's educational progress. Students who will be absent for an extended period of time may be eligible for homebound or hospitalized services in accordance with Policy 5416.

B. School employees who suspect that a student's absences may be disability-related must immediately refer the student for an evaluation under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act.

C. When the building principal or designee determines that a student is too ill or injured to remain at school, school staff will contact the student's parent/guardian or other designated responsible adult to pick up the student from school. If the student requires immediate medical attention, the District will first attempt to contact a parent/guardian or other designated responsible adult when reasonably possible. If contact cannot be made, the building principal or designee will take any reasonable action necessary on the student's behalf, consistent with state law.

   Students showing symptoms of a communicable disease may be sent home. The District may require a statement from a licensed physician or local health official before allowing the student to return to school. The District must report the occurrence or suspected occurrence of any disease, condition, or infection identified in the Michigan Department of Health and Human Services Communicable Disease Rules to the local health department within 24 hours.

D. Parents/guardians must submit an emergency information form for each of their students. The form must list the contact information for each parent/guardian and designated responsible adult, any necessary emergency instructions, and any known medical conditions.

Date revised:

5703 Medications

A. General Standards

Whenever possible, parents/guardians should arrange student medication schedules to eliminate the need for administration of medication at school. When a student requires prescription or over-the-counter medication at school, the following procedures apply:

1. The student's parent/guardian must annually submit a written request and consent form as required by the District.

2. A building principal or designee must request that the parent/guardian supply medications in the exact dosage required whenever feasible.

3. The building principal or designee will notify the student's parent/guardian of any observed adverse reaction to medication.

4. All medications must be in the original container.

B. District-Administered Medication

1. If the student requires District-administered medication, the student's parent/guardian must annually submit a healthcare professional's written instructions that include student name, medication name, medication dosage, and specific information about method and time of administration. A parent/guardian must promptly communicate any changes to the healthcare professional's written instructions to the building principal or designee. A "healthcare professional" means a licensed physician, certified nurse practitioner, or physician assistant.

2. Medication must be administered by a school administrator, teacher, or other appropriately designated school employee in the presence of a second adult, unless the medication is administered by a licensed registered professional nurse employed by the District or there is an emergency that threatens the student's life or health.

3. District employees may only administer medication to a student according to the written instructions from a healthcare professional. If the written instructions are unclear, the District may require written clarification from the healthcare professional before administering the medication.

4. Medication must be stored in a container that identifies the student's name, medication name, dosage, and frequency of administration. The District will take reasonable steps to ensure all medication is properly secured.

5. Incorrectly administered medication must be reported to the building principal and the student's parent/guardian. A written report identifying the error must be documented in the student's file.

6. The District will administer medication to students as necessary on school-sponsored field trips or school-related activities consistent with this Policy. The building administrator will designate the person responsible for administering

the medication. The designee will transport the medication in its original container and record its administration on the medication administration log pursuant to this Policy.

7. Each school must maintain a medication administration log. The log must include the student's name, the name and dosage of each medication, and the date and time each dose is administered. The person administering the medication and the witness (if required) will complete and sign the log. The medication administration log must be placed in the student's file and kept until at least 1 year after the student's expected graduation date.

8. A parent/guardian will retrieve unused medication after its expiration date, after the District is notified that the medication has been discontinued, or at the end of the school year, whichever is earliest. The District will provide the parent/guardian notice to retrieve the medication. If the parent/guardian does not promptly retrieve the medication, the District will appropriately dispose of the medication. The building principal or designee must check the expiration dates on prescription medications, epinephrine auto-injectors, and inhalers at least twice each school year.

9. The Superintendent or designee will ensure that all staff responsible for administering medication are appropriately trained.

C. Student-Administered Medication

1. General Standards

Subject to this Policy's provisions specifically applicable to self-management of asthma inhalers and epinephrine auto-injectors/inhalers, a student may be permitted to self-possess and self-administer medication if the building principal has received written parent/guardian consent to do so and the practice is authorized in writing by a healthcare professional or is otherwise permitted by this Policy.

A building administrator may deny a request for a student to self-possess or self-administer medication at school to the extent consistent with law.

A building administrator may discontinue a student's right to self-administer and self-possess following consultation with the parent/guardian if the student misuses the medication.

A student may possess and use an FDA-approved topical substance at school or any school-related activity, provided that the parent/guardian first provides the building principal with written approval.

2. Asthma Inhalers and Epinephrine Auto-Injectors/Inhalers

A student may possess and use an asthma inhaler or epinephrine auto-injector or inhaler with written approval from the student's healthcare provider. A minor

student must also have written permission from the student's parent/guardian. The required documentation must be submitted to the building principal.

If a student is authorized to self-possess or self-administer an asthma inhaler or epinephrine auto-injector or inhaler, the building principal or designee will notify the student's teachers and other staff as appropriate.

Additionally, the school must maintain a written emergency care plan drafted by a physician in collaboration with the student's parent/guardian. The emergency care plan will contain specific instructions related to the student's needs. The physician and parent/guardian should update the emergency care plan as necessary to meet the student's changing medical circumstances.

Legal authority: MCL 380.1178, 380.1178a, 380.1179, 380.1179a

Date revised:

5704 Student Insurance

The District is not a guarantor or insurer of student health or safety. Parents/guardians are encouraged to secure insurance for their students' healthcare needs, including coverage for injuries that may occur while at school and while participating in athletics and other school activities.

The District, in its sole discretion, may provide information about insurance policies available for purchase by parents/guardians for their students from third-party vendors. Providing that information does not imply District endorsement of any insurance policy, nor is it a guarantee or warranty that coverage will be provided by the vendor in any specific instance.

Date revised:

5705 Emergency Anaphylaxis

Anaphylaxis is a severe and life-threatening allergic reaction. Anaphylaxis may occur within minutes or longer after exposure to an allergen. The most common causes of anaphylaxis are food, insect bites or stings, medications, and latex.

The symptoms of anaphylaxis may vary from person to person and may change over time. Reported symptoms include skin reactions, a feeling of warmth, constriction of the airway, a swollen tongue or throat, wheezing, trouble breathing, weak or rapid pulse, nausea, vomiting, diarrhea, dizziness, or fainting.

A. Emergency Preparedness

1. The Superintendent or designee must obtain a prescription in the name of the Board for auto-injectable epinephrine as authorized and required by this Policy and applicable law.

   Each school operated by the District must maintain at least 2 epinephrine auto-injector devices at all times, regardless of whether any student or employee has been diagnosed with allergies.

2. The epinephrine auto-injectors maintained by the school may only be used by:

   a. a licensed registered professional nurse who is employed or contracted by the District; or

   b. an authorized employee trained in the appropriate use of an epinephrine auto-injector.

3. The Superintendent or designee will determine, after consulting a licensed registered professional nurse or other health care provider, the appropriate dose(s) of auto-injectable epinephrine (e.g., Junior or Adult) to be maintained at each school.

4. Epinephrine auto-injectors maintained by the District will be stored according to the manufacturer's directions, at the appropriate temperature, and in a clearly labeled and unlocked container easily accessible to authorized personnel.

5. A licensed registered professional nurse who is employed or contracted by the District, or an authorized school employee who is trained in the appropriate use of an epinephrine auto-injector under this Policy, may possess and administer epinephrine by auto-injector to:

   a. a student who has a prescription on file at the school; or

   b. any person on school grounds who is believed to be having an anaphylactic reaction.

6. The Superintendent or designee will:

   a. ensure that each school building with an instructional and administrative staff of at least 10 has at least 2 employees who have been trained in the appropriate use of an epinephrine auto-injector; and

   b. ensure that each school building with an instructional and administrative staff of fewer than 10 has at least 1 employee who has been trained in the appropriate use of an epinephrine auto-injector.

7. For purposes of this Policy, "trained in the appropriate use of an epinephrine auto-injector" means completing training in compliance with the Training Guidelines for Designated Staff on Allergies, Anaphylaxis, and Emergency

Responses issued by MDE, conducted under the supervision of, and evaluated by, a licensed registered professional nurse.

The Superintendent or designee must maintain documentation of training completed by each employee authorized to administer an epinephrine auto-injector.

B. Notice and Reporting

The Superintendent or designee will:

1. promptly notify the parent/guardian of a student to whom epinephrine has been administered and document all actual and attempted notices; and

2. at least annually report to MDE, as prescribed by MDE, all epinephrine administration to students at school.

C. Student Possession and Use

This Policy does not alter the rights of students authorized by law to self-possess or self-administer medication, including epinephrine, or any rights of students with disabilities under state or federal law.

Legal authority: MCL 380.1178, 380.1179, 380.1179a; MCL 333.17744a

Date revised:

5706 Intentionally Left Blank

5707 School Wellness Policy

The District is committed to providing a school environment that enhances opportunities for learning and lifelong wellness.

A. Nutrition Promotion and Education Goals

All students will receive nutrition education annually that is aligned with the Michigan Health Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Health Education. Teaching healthy eating behaviors will be part of the curriculum.

The District promotes healthy food and beverage choices for students. The District will implement evidence-based healthy food promotion techniques through:

1. offering school meal programs; and

2. publicizing foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. The District will collaborate with public and private entities to promote student wellness.

The District will make water available to students throughout the school day.

B. Physical Activity Goals

The District will offer physical education programs that are designed to equip students with the knowledge, skills, and values necessary for lifelong physical activity. Physical education instruction will be aligned with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education.

Students will have the opportunity to participate regularly in supervised physical activities, either organized or unstructured, intended to maintain physical fitness and an understanding of the benefits of a physically active and healthy lifestyle.

The District strives to provide physical activity breaks for all students, including recess for elementary students and before and after school activities, and encourages students to use active transport (e.g., walking, biking).

The District encourages parents/guardians to support their students' participation in physical activity, to be physically active role models, and to include physical activities in family events.

C. Goals for Other School-Based Activities Designed to Promote Student Wellness

The District may partner with community members or groups to implement this Policy. The District will also:

1. participate in state and federal child nutrition programs as appropriate;

2. allow other health-related entities to use school facilities for activities such as health clinics, screenings, and wellness events consistent with Policy 3304;

3. use evidence-based strategies to develop, structure, and support student wellness; and

4. create environments conducive to healthy eating, physical activity, and conveying consistent health messages.

D. Standards and Nutrition Guidelines for All Foods and Beverages Sold to Students on the School Campus and During the School Day

The District will ensure that students have access to foods and beverages that comply with applicable laws and guidelines including, but not limited to, the USDA Nutrition Standards for School Meals and the USDA Smart Snacks in School nutrition standards.

The District will offer students a variety of age-appropriate, healthy food and beverage selections including fruits, vegetables, and whole grains aimed at meeting the nutrition needs of students within their calorie requirements to promote student health and reduce childhood obesity.

E. Standards for All Foods and Beverages Provided, But Not Sold, to Students During the School Day

The District may provide a list of healthy food and beverage alternatives to parents/guardians, teachers, and students for classroom parties, rewards and incentives, or classroom snacks. The District discourages the use of unhealthy food and beverages as a reward or incentive for performance or behavior.

F. Food and Beverage Marketing

Marketing and advertising is allowed on school grounds or at school activities only for foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. Food and beverage fundraising and marketing that occurs at events outside of school hours need not comply with the USDA Smart Snacks in School nutrition standards.

In-school fundraising events must comply with Policy 5501 and MDE's Non-Compliant Food Fundraiser Guidance, which permits 2 fundraisers per week, per school building that do not comply with USDA Smart Snacks in School nutrition standards. In-school fundraising events may last up to 1 day and may not be held in the food service area during meal times.

Equipment that currently displays noncompliant marketing materials (e.g., scoreboard with soft drink logo) need not be immediately removed or replaced. As the District reviews and considers new contracts and as durable equipment, like scoreboards, is replaced or updated, any food or beverages marketed and advertised will meet or exceed the USDA Smart Snacks in School nutrition standards.

G. Wellness Committee

The District will form a Wellness Committee to establish goals for, oversee, and periodically review and update school health policies and programs. The Wellness Committee will also oversee this Policy's implementation.

The Wellness Committee will represent all school buildings and include, to the extent possible, parents/guardians, students, food service representatives, physical and health education teachers, school and community health care professionals, and community members. The Board encourages community participation in the Wellness Committee. When possible, membership will also include Supplemental Nutrition Assistance Program education coordinators.

H. Implementation and Oversight

The Superintendent or designee is responsible for ensuring that each school building complies with this Policy.

The Board will review this Policy at least every 3 years to determine compliance, progress, and the extent to which this Policy compares to model school wellness policies. Parents/guardians, students, school employees, school health professionals, Board members, and community members may provide input to the District during the Wellness Policy review process.

A copy of this Policy will be maintained in the District's administrative offices and posted on the District's website. The Superintendent or designee will maintain all legally required documentation for implementation of this Policy.

The Superintendent or designee will annually provide notice about this Policy and any updates to the community.

I. School Meal Program

1. Delinquent Meal Charge Debt and Bad Debt

   The District is required to make reasonable efforts to collect unpaid meal charges of current students. The building principal or designee will contact households about unpaid meal charges and may establish payment plans and due dates by telephone, e-mail, or other written or oral communication. If these collection efforts are unsuccessful, the District may pursue any other methods to collect delinquent debt of current students as allowed by law. Collection efforts may continue into a new school year.

   Unpaid meal charges of inactive students, such as graduated students and students no longer enrolled at the District, that are not collected by the end of the school year will be classified as bad debt. No later than December 31 of the following school year, non-federal funds will be used to reimburse the school meal program for the amount of bad debt.

2. Elimination of "Lunch Shaming"

   The District will strive to eliminate any form of "lunch shaming." "Lunch shaming" is the public identification or stigmatization of students who cannot pay for a school meal. In furtherance of this goal, the District prohibits the following:

   a. requiring a student who cannot pay for a school meal or who has unpaid meal charges to wear a wristband or handstamp;

   b. requiring a student to dispose of a meal after it has been served because the student cannot pay for the meal or has unpaid meal charges;

   c. communicating directly with a student about unpaid meal charges unless the District has attempted but has been unable to contact the student's

parent/guardian by telephone, e-mail, or other written or oral communication;

d. requiring a student to perform chores or other labor to pay a student meal debt; and

e. discussing a student's unpaid meal charges in the presence of other students.

Date revised:

5708 Do Not Resuscitate Orders

School personnel will honor a Do-Not-Resuscitate Order or POST (physician orders for scope of treatment) form executed pursuant to the Michigan Do-Not-Resuscitate Procedure Act or Public Health Code if they have actual notice of the Do-Not-Resuscitate Order or POST form.

Within five school days of receiving a request that life-sustaining care be withheld from a student, the Superintendent, applicable building administrator, or Superintendent's designee will convene a group of people knowledgeable about the student's medical and health needs to develop an emergency response plan, including an individualized resuscitation plan, for the student. The Superintendent, building administrator, or Superintendent's designee will ensure that all personnel responsible for delivering instructional or noninstructional services to a student with an individualized resuscitation plan receive, if applicable, actual notice of the Do-Not-Resuscitate Order or POST form and timely and appropriate training.

Upon actual notice that a Do-Not-Resuscitate Order or POST form has been revoked, the Superintendent, building administrator, or Superintendent's designee will provide actual notice to school personnel responsible for providing instructional or noninstructional services to the student of the revocation, at which time personnel will no longer honor the Do-Not-Resuscitate Order or POST form.

The Superintendent or designee is authorized to consult legal counsel any time the District receives a request that life-sustaining care be withheld from a student.

For purposes of this Policy, "actual notice" includes the physical presentation of an order, revocation of an order, or another written document authorized under the Michigan Do-Not-Resuscitate Procedure Act.

The Superintendent or designee will develop administrative guidelines for responding to Do-Not-Resuscitate Orders and POST forms that comply with the Michigan Do-Not-Resuscitate Procedure Act and the Revised School Code.

Legal Authority: MCL 333.1051 et seq.; MCL 380.1180, 380.1181

Date revised:

5708-AG Do-Not-Resuscitate (DNR) Orders

A. Upon receipt of a Do-Not-Resuscitate (DNR) order or POST (physician orders for scope of treatment) form for a student, the Superintendent, building administrator, or Superintendent's designee will:

1. Within five school days coordinate a meeting with the student (if appropriate), the student's parent/guardian and physician(s) (if available), and appropriate school personnel to develop an emergency response plan that includes an individual resuscitation plan and comfort-care measures for the student. If a physician is not available, the District will request and review written input from a physician. If any such plan is not consistent with the student's Section 504 plan or Individualized Education Program (IEP), the Superintendent, building administrator, or Superintendent's designee will ensure that a Section 504 or IEP Team meeting for the student is promptly convened. If the student does not currently have a Section 504 plan or IEP, the Superintendent, building administrator, or Superintendent's designee will consider whether to refer the student for an appropriate evaluation.

2. Consult with District legal counsel if there are concerns that the DNR order or POST form was not obtained in a manner that complies with Michigan law or if there are concerns that the DNR order or POST form are not in the student's best interests.

3. Maintain the DNR order, POST form, or individual emergency response plan in a separate, designated file.

4. Provide actual notice of the DNR order, POST form, or individual emergency response plan to all personnel responsible for providing instructional and noninstructional services for the student.

5. Ensure that all personnel, including volunteers and contractors, responsible for providing instructional and noninstructional services for the student receive training on the student's emergency response plan, including the individual resuscitation plan and comfort-care measures. The training must include notice to appropriate personnel that the Heimlich maneuver or other similar procedures used to expel an obstruction from an individual's throat does not constitute a resuscitative measure and may be performed even for a student with a DNR order or POST form.

6. Convene a meeting of the student (if appropriate), the student's parents/guardians and physician(s), and appropriate school personnel at the beginning of each school year to determine if the DNR order or POST form has been modified or revoked and to review and revise the student's emergency response plan as needed.

7. Contact emergency medical personnel any time a student's medical condition appears to be life threatening, even if the student has an emergency response plan

that includes an individual resuscitation plan. If a health professional arrives during the emergency situation, the health professional will determine if the student has one or more vital signs.

8. Provide emergency medical personnel a copy of any DNR order or POST form of which the Superintendent, building administrator, or Superintendent's designee has actual notice.

9. Follow any emergency described above by debriefing with the student (if appropriate), the student's parents/guardians and physician(s), and appropriate school personnel to review the emergency response plan and to discuss how the plan may be improved.

10. Follow any emergency by addressing the emotional needs of other students and personnel who witnessed the emergency.

11. Summarize all understandings in a letter to the student (if appropriate) and the student's parents/guardians and physician(s).

B. Pursuant to the Michigan Do-Not-Resuscitate Procedure Act, a parent/guardian or student may revoke a DNR order or POST form at any time by providing actual notice to the Superintendent, building administrator, or Superintendent's designee. Upon receipt of such notice, the Superintendent, building administrator, or Superintendent's designee will:

1. Provide actual notice to all personnel responsible for providing instructional and noninstructional services to the student that the DNR order or POST form is no longer applicable and that personnel should follow standard emergency response policies and practices for the student.

2. Maintain a copy of the written notice in the file created for the student's DNR orders, POST forms, or emergency response plans.

3. Convene a meeting with the student (if appropriate), the student's parents/guardians and physician(s), and appropriate school personnel to modify the emergency response plan, including the individual resuscitation plan and comfort-care measures. If any such plan is not consistent with the student's Section 504 plan or IEP, the Superintendent, building administrator, or Superintendent's designee will ensure that a Section 504 or IEP Team meeting for the student is promptly convened.

4. Ensure that emergency medical personnel are made aware that the student's DNR order or POST form has been revoked and that all appropriate life-saving measures should be used if an emergency arises.

   If school staff become aware that a student has expressed an intent to revoke a DNR order or POST form, the staff member must immediately report that information to the building administrator, Superintendent, or Superintendent's designee.

C. As used in this Administrative Guideline, actual notice includes the physical presentation of an order, a revocation of an order, or another written document authorized under the Michigan Do-Not-Resuscitate Procedure Act.

D. The building administrator or Superintendent's designee is responsible for supervising the steps outlined above.

Revised date:

5709 Lice, Nits, and Bed Bugs

A. Lice and Nits

A student with nits within ¼ inch of the scalp or live lice may remain at school until the end of the school day. The student will be restricted from activities that involve close head-to-head contact or sharing of personal items. The District will notify the student's parent/guardian and provide educational materials on head lice prevention and treatment.

The student will be readmitted to school after treatment so long as the parent/guardian consents to a head examination and the examining District official does not find live lice on the student. If the District official finds nits within ¼ inch of the student's scalp, the student may return to class, but the District must inform the student's parent/guardian about the need to remove the nits.

District personnel will not ostracize or embarrass a student with lice or nits and will maintain student confidentiality.

If a student has a persistent infestation after 6 weeks or 3 separate cases within 1 school year, the District will form a team that may include the student's parents/guardians, teacher, social workers, or administrators to determine the best approach to resolve the issue.

B. Bed Bugs

If a District official suspects that a student's clothing or belongings contain bed bugs, the school nurse or other District official may visually inspect the student's clothing or belongings. Any bugs found should be removed and collected for identification. If a live bed bug is discovered, the District will notify the student's parent/guardian and provide educational materials on bed bug prevention and treatment.

Note: consistent with State of Michigan guidance:

No student will be excluded from school because of bed bugs unless efforts to remedy an infestation have been unsuccessful.

If bed bugs are found in a classroom or elsewhere in the school building, the building principal or designee will notify the parents/guardians of all students in the affected building and will provide information on bed bug prevention and treatment. The school building will not be closed due to bed bug presence. If pest management is necessary, it will be provided to affected areas of the school building consistent with Policy 3406.]

Date revised:

5710 Student Suicide Prevention

Employees, volunteers, and contractors must immediately notify the building principal or designee if a student is exhibiting signs of unusual depression, expressing suicidal thoughts, or threatening or attempting suicide or self-harm.

The District will convene a crisis response team to investigate and develop an intervention plan for the student, if necessary.

A member of the crisis response team will immediately notify the student's parent/guardian if the student threatens or attempts suicide.

District personnel who suspect that a student may have a disability under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act must immediately refer the student for an evaluation.

If the District issues student identification cards for students in grades 6-12: The District will print the number of a national, state, or local suicide prevention hotline that can be accessed at any time on student identification cards for students in grades 6-12.

The District should also post on its website homepage and in a conspicuous location in the school counselor's office MDHHS model information materials about suicide prevention services, suicide, depression, and anxiety.

Legal authority: MCL 380.1171, 380.1893

Date revised:

5711 Toilet Training

Except when toilet training is part of the instructional program, students are expected to be fully toilet trained before the first day of school, unless otherwise specifically addressed in the student's IEP or Section 504 Plan.

The student's parent/guardian is responsible for ensuring that the student is toilet trained. The parent/guardian is also responsible for providing clean clothes for a student who may have toileting accidents.

No student will be punished or humiliated for soiling or wetting clothing or not using the toilet.

The building principal or designee should consider whether repeated toileting accidents are related to a disability.

Except when toilet training is part of the instructional program, staff will not assist a student with toileting unless directed to do so by the student's IEP or Section 504 Plan.

Date revised:

5712 Concussion Awareness

Each coach, employee, volunteer, and other adult who works with student athletes in an athletic activity sponsored or operated by the District must complete the concussion awareness training program required by the Michigan Public Health Code at least once every 3 years.

Before allowing a student athlete to participate in any athletic activity, the District will annually:

A. provide the MHSAA- or state-approved educational materials on concussion awareness to each student athlete and to the student athlete's parent/guardian; and

B. obtain a statement signed by each student athlete and respective parent/guardian acknowledging receipt of the MHSAA- or state-approved concussion awareness educational materials. The District will maintain this signed statement for 5 years or until the student is 18, whichever is longer.

A student athlete must be removed from any practice or game when the student athlete is reasonably suspected of sustaining a concussion during a practice or game. The student athlete will not be permitted to participate in any school athletic activities involving physical exertion, including practices or games, until the student has:

C. been evaluated by a licensed physician, physician's assistant, or nurse practitioner;

D. received written and signed clearance to resume participation in athletic activities from a licensed physician, physician's assistant, or nurse practitioner; and

E. submitted to the school the written and signed clearance to resume participation in athletic activities, accompanied by written permission from the student's parent/guardian to resume participation.

District officials are not required to verify the qualifications of the physician, physician's assistant, or nurse practitioner who provides the clearance.

A student who has sustained a concussion may need accommodations, supports, and monitoring until the student is fully recovered. Nothing in this Policy automatically entitles a student who has sustained a concussion to an individualized plan under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act. Staff should refer a student who has sustained a concussion for evaluation if they suspect the student may have a disability, consistent with Policies 5601 and 5603.

Legal authority: MCL 333.9155, 333.9156

Date revised:

5713 Immunizations and Communicable Diseases

A. Enrollment, Immunization Certification, and Exemptions

1. Subject to the exemptions stated below, for a student entering the District for the first time or entering 7th grade, a parent/guardian must provide the building principal or designee with a certificate indicating that the student has received at least 1 dose of an immunizing agent against each disease specified by the Michigan Department of Health and Human Services (MDHHS) or other responsible agency.

   The student's parent/guardian must provide the certificate at the time of registration, or no later than the first day of school.

   A parent/guardian of a student who has not received all doses of any required immunizing agent must provide the District an updated immunization certificate demonstrating that the immunizations have been completed as required by the MDHHS. The updated certificate must be provided within 4 months of the student entering the District for the first time or upon entering 7th grade.

2. A student is exempt from the above requirements if:

   a. a physician certifies that a specific immunization is or may be inappropriate or detrimental to the student's health; or

   b. a student's parent/guardian, or a person acting *in loco parentis*, certifies to the building principal or designee that the child cannot be immunized as required because of religious convictions or other objection to immunization. Only waiver forms authorized, executed, and certified as required by applicable law and administrative rules will be accepted.

3. The District will not permit a student to attend school unless the parent/guardian provides evidence of immunizations or exemptions consistent with this Policy and state law.

B. Emergency Exclusion Due to Outbreak

The District, in conjunction with local health department officials, may exclude students who:

- are suspected of having a communicable disease until a physician or local health official determines the student is no longer a risk; or
- lack documentation of immunity or are otherwise considered susceptible to the disease until the local health department officials determine the risk of spreading the disease has passed.

C. District Reporting Requirements

The District will report student immunization information as required by and consistent with state and federal law.

D. Homeless Children and Youth

Nothing in this Policy diminishes the rights of homeless children and youth under Policy 5307.

Legal authority: MCL 333.9206, 333.9208, 333.9215; MCL 380.1177; MCL 388.1767; Mich Admin Code R 325.176

Date revised:

5800 Miscellaneous

5801 Closed Campus

The school campus should operate as a closed campus. All students must remain on campus during school hours. The building principal or designee will release a student only after confirming with an authorized adult that the student has permission to leave campus. Students who leave campus without authorization are subject to disciplinary action. Nothing in this Policy prevents the school from sending a student home when the student is ill or for disciplinary purposes.

Date revised:

5802 Student Transportation

The District may provide student transportation to and from school.

If the District provides student transportation to and from school, the District is not required to transport or pay for transportation for a student who lives within 1.5 miles of the student's school by the nearest traveled route.

The District may establish and require students to use bus stops. The District is not responsible for supervising students at bus stops, before the bus picks the student up for school, or after the student disembarks at the end of the student's school day.

A student's failure to comply with Board Policy, applicable codes of conduct, and any other applicable rules or behavioral expectations while using District-provided transportation, including while at a designated bus stop, may result in disciplinary action and exclusion from District-provided transportation.

A student does not have a right to District-provided transportation. Nothing in this Policy, however, diminishes any right a student with a disability may have under state or federal law.

Legal authority: MCL 380.1321

Date revised:

5803 Student Driving and Parking

Student driving and parking on District property is a privilege, not a right, that may be revoked at any time. The building principal or designee will annually publish rules and criteria for student driving and parking in the applicable student handbook(s).

A student who drives to school must register any vehicle driven to school consistent with the rules in the applicable student handbook.

Date revised:

5804 Work Permits

The building principal or designee will issue student work permits in accordance with state law.

Date revised:

5805 Student Audio and Video Recording

This Policy governs student audio and video recordings.

For purposes of this Policy, "recording" or "recordings" includes still photographs, video, audio, and other similar data captured in any medium.

A. Prohibited Recordings by Students

Unless otherwise authorized by this Policy, law, or a District employee, students may not make recordings on school property; when on a vehicle owned, leased, or contracted by the District; or at a school-sponsored activity or athletic event.

B. Permitted Recordings by Students

A student may make recordings of instructional activities if recording is necessary to accommodate the student's disability pursuant to the student's Individualized Education Program or Section 504 Plan. Students may also make recordings of instructional activities if expressly permitted by the building principal or classroom teacher.

Recordings of instructional activities permitted under this Policy may only be used by students for personal academic purposes and may not be shared or disseminated without written consent from the building principal or designee.

A student may record school-sponsored activities and athletic events as a spectator if the recording is made in a manner permitted by the District for the public. For example, students may record athletic events for their personal use in a manner similar to parents/guardians or other spectators, but students remain subject to the District's acceptable use and student discipline policies.

Except as otherwise permitted by this Policy, students may not make recordings of non-instructional activities without the permission of the building principal or supervising adult.

Any student recording must comply with applicable state and federal laws, codes of conduct, and Board Policy.

No recordings may be taken or made in restrooms, locker rooms, or other areas where there is a reasonable expectation of privacy.

C. District Recordings

Nothing in this Policy limits the District's ability to make recordings as otherwise permitted by state and federal law or Board Policy.

Date revised:

5806 Recording of District Meetings

A. Audio Recording of IEP Team and Section 504 Meetings

Parents/guardians of students with disabilities are permitted to audio record IEP Team and Section 504 meetings if the parent/guardian provides notice to the District before the date of the scheduled meeting.

Parents/guardians must use their own device for any recording permitted pursuant to this Policy. If a parent/guardian records a meeting pursuant to this Policy, the District may also record the meeting.

B. Audio Recording of Other Meetings

Parents/guardians may not record any other meeting absent the prior written approval of the Superintendent or designee. If a parent/guardian is permitted to audio record a meeting, the parent/guardian must use their own recording device and the District also may elect to record the meeting.

C. Secret Recording of Meetings and Other Activities

Parents/guardians and students may not use secret means to record any meeting or activity at school. Student use of a device with listen-in or audio surveillance capabilities at school must comply with applicable Board policy.

D. Video Recording of Meetings

Video recording of any meeting, including IEP Team and Section 504 meetings, is prohibited. This Policy does not apply to meetings that are open to the public under the Open Meetings Act.

Date revised:

5807 Flag Display and Pledge of Allegiance

The District will display the United States of America flag on a flag staff in a conspicuous location at each school. The District will also display the United States of America flag in each classroom or other instructional site where students recite the Pledge of Allegiance.

Each building principal or designee is responsible for the care and display of the flags.

The building principal or designee will provide students with an opportunity to recite the Pledge of Allegiance each school day. Student participation in the Pledge of Allegiance is voluntary. Students may not be disciplined or penalized for not reciting the Pledge of Allegiance. The building principal or designee will ensure students are not bullied for not reciting the Pledge of Allegiance.

Legal authority: MCL 380.1347, 380.1347a

Date revised:

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