Series 4000: District Employment

4100 Employee Rights and Responsibilities

4113 Michigan Earned Sick Time Act (ESTA) ~~[Required for Districts with At Least 10 Employees] [Note: If the District has less than 10 employees, please contact the Thrun Board Policy Administrator to receive a different version of this ESTA policy.]~~ NEW POLICY

A. General

Eligible employees will accrue paid leave as provided by the ESTA. Applicable provisions of a collective bargaining agreement, individual employment contract, or handbook remain in place and may provide additional paid leave time that is not provided by the ESTA.

Unless otherwise agreed with union representation, the ESTA does not apply to employees subject to a conflicting collective bargaining agreement in effect on February 21, 2025, until the collective bargaining agreement expires.

The ESTA does not apply to an employee subject to a conflicting individual employment contract in effect on February 21, 2025.

B. Definitions

1. "ESTA benefit year" means the 12-month period from July 1 to June 30. [~~Optional: may adjust 12-month period~~]

2. "Eligible employee" means an employee engaged in service to the District. The following, however, are not eligible employees:

   a. an unpaid trainee or unpaid intern;

   b. a person employed in accordance with the Michigan Youth Employment Standards Act, MCL 409.101, *et seq*; or

   c. positions when the employee may schedule their own working hours as approved by the Superintendent or designee. For those approved positions, the District will not take adverse personnel action for failure to schedule a minimum amount of working hours.

   If a collective bargaining agreement or contract meets the requirements in Section A above, then an employee covered by that contract is not an eligible employee until the contract expires.

3. "Family member" is defined as:

   a. biological, adopted, or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the eligible employee stands *in loco parentis*;

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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 domestic partner or a person who stood *in loco parentis* when the eligible employee was a minor child;

c. an individual to whom the eligible employee is legally married under the laws of any state or a domestic partner;

d. grandparent, grandchild, and biological, foster, or adopted sibling; or

e. an individual related by blood or

f. an individual whose close association with the eligible employee is the equivalent of a family relationship.

4. "Earned sick time" means paid leave as allowed by the ESTA.

5. All other ESTA-defined terms apply to this Policy.

C. Wait Period and Leave Reinstatement Upon Re-Employment

A newly hired eligible employee may not use accrued earned sick time until 120 calendar days after the employee's start date, unless otherwise provided in a collective bargaining agreement, individual employment contract, employee handbook, or the ESTA.

Upon discharge or other separation from employment, an employee automatically loses accrued earned sick time unless the employee is rehired by the District within 2 months of the separation.

Accrued earned sick time that is not used before an employee's separation from employment will have no monetary value. If an employee separates from employment and is rehired by the District not more than two (2) months after separation, the District will reinstate previously accrued and unused earned sick time and allow the employee to use that earned sick time and accrue additional earned sick time upon reinstatement. This paragraph does not apply if the District paid the employee the value of the employee's unused accrued earned sick time at the time of separation.

D. ESTA Leave Accrual and Frontloading

1. Leave Accrual

Unless the District frontloads earned sick time under Section D(2), an eligible employee begins accruing earned sick time on February 21, 2025 or the employee's start date, whichever is later.

An eligible employee will accrue 1 hour of earned sick time for every 30 hours worked, but the eligible employee may only use up to 72 hours of earned sick time in a single ESTA benefit year. An FLSA-exempt eligible employee is

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assumed to work 40 hours per workweek unless the employee's normal workweek is less than 40 hours.

Up to 72 hours of unused accrued earned sick time will carry over from ESTA benefit year to ESTA benefit year.

2. Frontloading Leave

For each ESTA benefit year, the District may frontload earned sick time consistent with this policy, a collective bargaining agreement, or individual employment contract.

If frontloading, the District will grant a full-time eligible employee 72 hours of earned sick time at the beginning of an ESTA benefit year. For a part-time eligible employee, the District will provide the employee with:

- a written notice of how many hours the employee is expected to work during the ESTA benefit year at the time of hire;
- an amount of earned sick time at the beginning of the ESTA benefit year that is proportional to the earned sick time the employee would accrue if the employee worked all the hours in that written notice; and
- 1 hour of earned sick time for every 30 hours worked after the employee exceeds the work hours in that written notice.

Frontloaded earned sick time will not carry over from one ESTA benefit year to the next unless authorized in the applicable collective bargaining agreement, individual employment contract, or handbook.

3. Compliance Presumption

The District is in compliance with this Section D if it:

- provides an eligible employee with paid time off in at least the same amounts of time off described in the ESTA that may be used for ESTA purposes or any other approved purpose, with the time used for an ESTA purpose being subject to the ESTA; or
- is a signatory to a collective bargaining agreement that requires contributions to a multiemployer plan under the Employee Retirement Income Security Act, subject to certain conditions.

E. Additional Absences

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Additional absences, above and beyond earned sick time under the ESTA, are governed by an applicable collective bargaining agreement, individual employment contract, or Board Policy.

F. Permissible Uses

An eligible employee may use earned sick time for the following reasons:

1. the employee's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's mental or physical illness, injury, or health condition; or preventative medical care for the employee;

2. for the employee's family member's mental or physical illness, injury, or health condition, medical diagnosis, care, or treatment of the employee's family member's mental or physical illness, injury, or health condition or preventative medical care for a family member of the employee;

3. if the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability, to obtain services from a victim services organization, to relocate due to domestic violence or sexual assault, to obtain legal services, or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault;

4. for meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child; or

5. for closure of the employee's place of business by order of a public official due to a public health emergency, for an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or employee's family member's presence in the community would jeopardize the health of others because of the employee's or family member's exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

G. Use of Earned Sick Time

If the eligible employee's need to use leave is foreseeable, the employee must provide notice to the District of the employee's intent to use earned sick time at least 7 days prior to the date leave is to begin. If the eligible employee's need to use leave is not foreseeable, the employee must provide notice to the District of the employee's intent to use earned sick time as soon as practicable. For leave of more than 3 consecutive days, upon District request, the eligible employee must provide the District – within 15 days after the request – reasonable documentation that earned sick time was used for an ESTA purpose. The District

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will be responsible for paying the eligible employee's costs in obtaining the requested documentation.

In cases of domestic violence or sexual assault, reasonable documentation includes any of the following:

- a police report indicating that the employee or the employee's family member was a victim of domestic violence or sexual assault;
- a signed statement from a victim and witness advocate affirming that the employee or the employee's family member is receiving services from a victim services organization; or
- a court document indicating that the employee or the employee's 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 an employee about earned sick time remains confidential and will not be disclosed, except to the employee, with the employee's written permission, or as and to the extent required by law.

Failure to comply with notice procedures or document requests to support the use of earned sick time, or using earned sick time for a non-permissible use, may result in discipline, including discharge.

Unless otherwise provided in an employee's collective bargaining agreement, individual employment contract, or handbook:

- earned sick time must be used in hourly[~~Note: Insert "hourly" or the smallest increment that the District uses to account for absences of use of other time~~] increments; and
- an employee using earned sick time will not receive overtime pay, holiday pay, or bonuses for the earned sick time.

H. Notice and Recordkeeping

The District will:

1. provide an ESTA notice created by LEO to each eligible employee at hire or by March 23, 2025, whichever is later (see 4113-F);
2. display in a conspicuous location in each of its buildings the ESTA poster created by LEO; and
3. retain for not less than 3 years records documenting hours worked and earned sick time taken by employees.

Legal authority: MCL 408.934b, 408.961 et seq., *Mothering Justice v Attorney General*, 2024 Mich LEXIS 1454 (July 31, 2024)

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Series 4000: District Employment

4100 Employee Rights and Responsibilities NEW POLICY

4105A Pregnancy Workplace Accommodations for Employees and Applicants

The District complies with state and federal law prohibiting pregnancy discrimination. The District will provide reasonable accommodations to known limitations related to pregnancy, childbirth, or related medical conditions of a qualified employee absent an undue hardship. The District treats pregnancy or related conditions as any other temporary medical condition for all job-related purposes. For purposes of this policy, the term "employee" includes an applicant for employment where relevant.

For an employee who requires a reasonable accommodation due to a known limitation related to pregnancy, childbirth, or related medical conditions, the employee or the employee's representative must make a proper District official (as identified in Pregnant Workers Fairness Act ("PWFA") regulations) aware of the limitation.

Upon receipt of an accommodation request, the District will begin the interactive process with the employee to consider whether the employee is qualified under the PWFA and, if so, reasonable accommodation options consistent with the PWFA that do not cause undue hardship.

Determining whether an employee is qualified may be a two-step inquiry. First, the District will determine whether the employee can perform the essential job functions of the employee's position with or without a reasonable accommodation. If so, the employee is qualified. If not, then the District will consider the employee to be qualified if: (1) any inability to perform an essential job function(s) is for a temporary period, (2) the essential function(s) could be performed in the near future, and (3) the inability to perform the essential function(s) can be reasonably accommodated without an undue hardship.

Reasonable accommodation requests will not be granted if they cause an undue hardship, as defined by law. The District may require medical documentation supporting the requested accommodation where allowed by law because the information is necessary for assessing the accommodation request. Medical information will be kept confidential.

After considering any relevant medical information, essential job functions, and the employee's requested accommodations, the District will, as appropriate, implement reasonable accommodations for a qualified employee that do not cause an undue hardship. The District is not obligated to adopt the employee's specific accommodation request. The District may engage or re-engage in the interactive process, as necessary.

A reasonable accommodation may include a voluntary leave of absence. If an employee has insufficient leave or insufficient accrued employment time to qualify for leave, or if the District does not maintain a leave policy applicable to the employee, the District will treat any pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee will be reinstated to the status held when the leave began or to a comparable position without

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decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

An 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. Legal authority: 42 USC 2000gg et seq.; 29 CFR 1636.1 et seq.; 34 CFR 106.57

Date adopted:

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Series 4000: District Employment

4100 Employee Rights and Responsibilities NEW POLICY

4105B Religious Workplace Accommodations for Employees and Applicants

The District complies with Title VII and state and local laws that prohibit discrimination in employment against employees or applicants for employment based on religion. The District will reasonably accommodate sincerely held religious beliefs, practices, and observances of employees and applicants for employment absent an undue hardship.

An employee or applicant for employment who requests a reasonable accommodation based on religion must promptly inform the Superintendent or designee. Upon receipt of an accommodation request, the District will meet with the employee or applicant to consider reasonable accommodation options consistent with Title VII. Reasonable accommodation requests that do not pose an undue hardship will be considered.

After considering the requested accommodation and other relevant information, the District will, as appropriate, implement reasonable accommodations that do not pose an undue hardship (as defined by law). The District is not obligated to adopt the applicant's or employee's specific accommodation request.

The District may engage or re-engage in accommodation discussions, as necessary.

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.

Legal authority: 42 USC 2000e, et seq.; *Groff v DeJoy*, 143 S Ct 646 (2023)

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Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5714 Threat Assessment and Response NEW POLICY

[~~Choose Option 1 or 2~~]

[~~Option 1:~~

~~The Board is committed to providing a safe environment for all members of the school community. Our commitment to security includes creating and maintaining a safe school climate and supportive culture as a foundation for preventing violence and mitigating risk. To further that commitment, the Board directs the Superintendent to develop and implement threat assessment protocols. Those threat assessment protocols must include training for individuals who administer threat assessments and framework for determining when a threat assessment should be used.~~]

[~~Option 2:~~

The Board is committed to providing a safe environment for all members of the school community. To this end, the Board directs the Superintendent or designee to adopt and implement a threat assessment process.

For purposes of this Policy, a threat is defined as: [~~Option A: Insert the definition of a threat under your school's threat assessment process.~~][~~Option B: Use definition from MDE/MSP joint guidance, which is:~~ an expression of intent to physically or sexually harm someone. This expression may be spoken, written, or gestured. Threats can be expressed directly or indirectly to the victim or others, and threats may be explicit or implied. Threats sometimes, but rarely, involve guns, other weapons, or explosive devices.]

If there is a concern about student self-harm, the building principal or designee should comply with Policy 5710.

A. Reporting Threats

District employees, volunteers, and contractors must immediately report any threat to the Threat Assessment Coordinator. Reports may be made in person, by email, or by telephone. Threats requiring immediate intervention should also be reported to the local law enforcement.

Students are encouraged to immediately report any threat. Threats may be reported to any District employee in-person, by email, or by telephone. Students may also report threats through the OK2SAY program.

B. Threat Assessment Coordinator

The Board designates the following individual to serve as the District's Threat Assessment Coordinator:

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[EXECUTIVE DIRECTOR OF HUMAN RESOURCES]
[734-424-4110]
[HR@DEXTERSCHOOLS.ORG]

C. Threat Response

When a threat is reported, the Threat Assessment Coordinator will determine whether to initiate the District's threat assessment protocol.

Any disciplinary action must be consistent with the Student Code of Conduct and applicable law and policies.

D. Training

All District employees must receive awareness training on this Policy and the District's threat assessment process at least annually. Additional training will be provided as required by the District's threat assessment process.

E. Communication with the School Community about Reported Threats

All communications about reported threats or safety concerns will comply with applicable law, including the Family Educational Rights and Privacy Act.]

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Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5715 Student Oral Health Assessment NEW POLICY

For a student entering the District for the first time in kindergarten or grade 1, at the time of registration or not later than the first day of school, a Parent must provide the building principal or designee with:

- a Kindergarten Oral Health Assessment Form (MDHHS-6067) certifying that the student has received a dental oral assessment within 6 months before the date of registration;
- a written statement that the Parent will ensure that the student receives a dental oral assessment administered through the Kindergarten Oral Health Assessment (KOHA) Program; or
- a written statement that the requirement violates the Parent's personal religious beliefs.

The District will not exclude the student from attendance for failure to provide the required information.

The building principal or designee will maintain dental report records and provide an annual summary to the Michigan Department of Health and Human Services no later than November 1 of each year.

~~[Optional: The District will provide the KOHA Form and information about the KOHA Program in its registration packets.]~~

Legal Authority: MCL 333.9316; MCL 333.9311

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Series 3000: Operations, Finance, and Property

3100 General Operations

3115 Non-~~d~~Discrimination, Anti-Harassment, and Non-Retaliation (including Title IX and Elliott-Larsen Civil Rights Act)

The District does not discriminate on the basis of race, color, national origin, ethnicity, religion, sex (including ~~pregnancy,~~ gender identity~~,~~ or expression, sexual orientation~~),~~ , pregnancy, childbirth, or a related condition), age, height, weight, familial status, marital status, military service, veteran status, genetic information, disability, or any other legally ~~prohibited~~protected basis in admission ~~or,~~ access to District programs and activities~~.~~

~~B.~~ ~~Employee complaints of unlawful~~ , or employment. Unlawful discrimination ~~(~~, including unlawful harassment~~)~~ and ~~unlawful~~ retaliation ~~are governed by Policy 4104. Employee complaints of Title IX sexual harassment are governed by Policy 3118.~~, in District programs, services, and activities is prohibited.

~~Student complaints of unlawful~~ The Board directs the Superintendent or designee to designate one or more employees to serve as the District's applicable Coordinator(s), as described in Policy 3115B.

A. Definitions: For definitions related to the District's non-discrimination ~~(including~~ , anti-harassment~~),~~ and ~~unlawful~~ non-retaliation ~~are governed by~~policy, including examples of prohibited conduct, see Policy 3115A – Definitions.

B. Designation of Coordinators: To find the appropriate coordinator/compliance officer, see Policy ~~5202. Student complaints of Title IX sexual harassment are governed by~~3115B – Designation of Coordinators.

C. Supportive Measures: For more information about supportive measures, see Policy ~~3118~~3115C – Supportive Measures.

~~D. 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.~~

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~~E. 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.~~

~~F. 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.~~

D. Informal Resolution: For more information about informal resolution, see Policy 3115D – Informal Resolution.

E. Grievance Procedure and Remedies: For more information about the grievance procedure for investigating unlawful discrimination, harassment, and retaliation complaints, and for possible remedies, see Policy 3115E – Grievance Procedure and Remedies.

F. Complaint Dismissal and Appeals: For more information about dismissing a complaint, appealing a complaint dismissal, or appealing a determination of responsibility, see Policy 3115F – Complaint Dismissal and Appeals.

G. Pregnancy Discrimination: For more information about preventing and responding to pregnancy discrimination, see Policy 3115G – Additional Requirements to Prevent and Address Pregnancy Discrimination.

H. Training, Recordkeeping, and Notice: For more information about training requirements, recordkeeping protocols, and notice of the District's non-discrimination policy, see Policy 3115H – Training Requirements, Recordkeeping, and Policy Notice.

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~~-4335;~~ et seq.; 42 USC §1983, 2000d et seq., ~~42 USC~~2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; ~~Const 1963, art~~ 29 CFR 1604.1~~, § 26; MCL37.~~ et seq., 1635; 34 CFR 106.1, et seq.; MCL 37.1101 et seq., 37.2101 et seq~~.,~~ ~~37.2209~~.

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Series 3000: Operations, Finance, and Property

3100 General Operations

3115A Definitions for 3115 Series

A. The following definitions apply to the 3115 Policy Series, which address non-discrimination, anti-harassment, and non-retaliation:

1. "Appeals Officer" means a person who is designated to hear a determination appeal, a dismissal appeal, or a challenge to a Supportive Measures decision. The Appeals Officer must be a District employee and may not be the same person as the Coordinator, Decisionmaker, Investigator, or Informal Resolution Facilitator.

2. "Complainant" means: (1) a student or employee who is alleged to have been subjected to conduct that could constitute Unlawful Discrimination; or (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Unlawful Discrimination and who was participating or attempting to participate in the District's education program or activity at the time of the alleged Unlawful Discrimination.

3. "Complaint" means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Unlawful Discrimination.

4. "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 romantic relationships between students and District employees, volunteers, or contractors, regardless of age or consent, are prohibited.

5. "Coordinator" means the person(s) designated by the District to coordinate the District's compliance with state and federal non-discrimination laws. The Coordinator may be the same person as the Investigator and Decisionmaker.

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

7. "Decisionmaker" means the person designated to issue a determination as to whether Unlawful Discrimination occurred. The Decisionmaker may be the same person as the Coordinator and Investigator.

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8. "Disciplinary Sanctions" means consequences imposed on a Respondent following a determination that the Respondent engaged in Unlawful Discrimination.

9. "Grievance Procedure" means the process outlined in Policy 3115E.

10. "Informal Resolution Facilitator" means the person designated to facilitate an informal resolution process. The Informal Resolution Facilitator may not be the same person as the Investigator or the Decisionmaker.

11. "Investigator" means the person designated to investigate a complaint of Unlawful Discrimination. The Investigator may be the same person as the Coordinator and Decisionmaker.

12. "Key Role" means Coordinator, Investigator, Decisionmaker, Informal Resolution Facilitator, or Appeals Officer.

13. "Party" means a Complainant or Respondent.

14. "Relevant" means related to the allegations of Unlawful Discrimination under investigation as part of the Grievance Procedure. Questions are relevant when they seek evidence that may aid in showing whether the alleged Unlawful Discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged Unlawful Discrimination occurred.

15. "Remedies" means measures provided, as appropriate, to a Complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by Unlawful Discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that Unlawful Discrimination occurred.

16. "Respondent" means a person who is alleged to have violated the District's prohibition on Unlawful Discrimination.

17. "Retaliation" means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by the 3115 Policy Series, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the 3115 Policy Series. Retaliation does not include a requirement that a District employee participate in a Grievance Procedure.

18. "Supportive Measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or

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Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

a. Restore or preserve that Party's access to the District's education program or activity, including measures that are designed to protect the safety of the Parties or the District's educational environment; or

b. Provide support during the District's Grievance Procedure or during an informal resolution process.

19. "Unlawful Discrimination" means to treat a person differently or less favorably due to the person's race, color, national origin, ethnicity, religion, sex (including gender identity or expression, sexual orientation, pregnancy, childbirth, or a related condition), age, height, weight, familial status, marital status, military service, veteran status, genetic information, disability, or any other legally protected basis or any other legally protected class, and includes unlawful harassment and retaliation based on a person's membership in a protected classification.

B. Examples of Unlawful Harassment

Unlawful harassment may include, but is not limited to:

1. ***Race, Color, or National Origin Harassment,*** which is prohibited by Title VI and Title VII of the Civil Rights Act of 1964 and the Michigan Elliott-Larsen Civil Rights Act. Race, color, or national origin harassment is unwelcome conduct based on a person's actual or perceived race, color, or national origin that creates a hostile environment or becomes a condition of continued employment. Race includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. Race, color, or national origin harassment may 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, or national origin harassment.

2. ***Disability Harassment,*** which 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 person's actual or perceived disability that creates a hostile environment or becomes a condition of continued employment. Disability harassment may take many forms, including slurs, taunts, stereotypes, or name-calling, as well as disability motivated physical threats, attacks, or other hateful conduct.

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3. ***Sex-Based Harassment,*** which is prohibited by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Michigan Elliott-Larsen Civil Rights Act, and includes harassment based on sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

   a. *Quid Pro Quo Harassment*

      An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

   b. *Hostile Environment Harassment*

      Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

      i. The degree to which the conduct affected the Complainant's ability to access the District's education program or activity;

      ii. The type, frequency, and duration of the conduct;

      iii. The Parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;

      iv. The location of the conduct and the context in which the conduct occurred; and

      v. Other sex-based harassment in the District's education program or activity; or

   c. *Specific Offenses*

      i. "Sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

      ii. "Dating violence" means violence committed by a person: (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

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iii. "Domestic violence" means felony or misdemeanor crimes committed by a person who: (i) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the District, or a person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

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

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 106.1, et seq.; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted:

Date revised:

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3115B Designation of Coordinators

The District designates the following person(s) to serve as non-discrimination Coordinators:

Designated Title IX Coordinator
[TITLE IX COORDINATOR NAME OR POSITION/TITLE]
[TITLE IX COORDINATOR ADDRESS]
[TITLE IX COORDINATOR PHONE NUMBER]
[TITLE IX COORDINATOR EMAIL]

[Optional Second Title IX Coordinator:]
[TITLE IX COORDINATOR NAME OR POSITION/TITLE]
[TITLE IX COORDINATOR ADDRESS]
[TITLE IX COORDINATOR PHONE NUMBER]
[TITLE IX COORDINATOR EMAIL]

Designated Section 504 Coordinator
[SECTION 504 COORDINATOR NAME OR POSITION/TITLE]
[SECTION 504 COORDINATOR ADDRESS]
[SECTION 504 COORDINATOR PHONE NUMBER]
[SECTION 504 COORDINATOR EMAIL]

Designated Civil Rights Coordinator/Employment Compliance Officer
[CIVIL RIGHTS COORDINATOR NAME OR POSITION/TITLE]
[CIVIL RIGHTS COORDINATOR ADDRESS]
[CIVIL RIGHTS COORDINATOR PHONE NUMBER]
[CIVIL RIGHTS COORDINATOR EMAIL]

[NOTE (delete after drafting): The District may select more than one Coordinator per position and the same person may serve in multiple positions. If a District has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over Title IX compliance responsibilities That person should be identified in this Policy as the "Designated Title IX Coordinator."]

A Complaint against one of the Coordinators listed above may be made to the Superintendent or Board President. A Complaint against the Superintendent may be made to the Board President. A Complaint against the Board President may be made to the Board Vice President.

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

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et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.1, et seq.; MCL 37.1101 et seq., 37.2101 et seq.

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3115C Supportive Measures

A. Supportive Measures

The District will offer and coordinate Supportive Measures, as appropriate, for Complainants, Respondents, and others whose access to the District's education program and activity was impacted by alleged Unlawful Discrimination. Supportive Measures are designed to restore or preserve a person's access to the District's education program or activity or provide support during the District's Grievance Procedure and informal resolution process. Supportive Measures are available at any time, including before, during, and after the Grievance Procedure or Informal Resolution Process.

Supportive Measures must not unreasonably burden any Party.

1. Examples of Supportive Measures

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, extracurricular, or work schedules;

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

e. Training and education programs; and

f. Mutual no-contact orders.

Any Party may seek modification or termination of a supportive measure applicable to them if circumstances materially change.

The District must not disclose information about any Supportive Measures to persons other than the person to whom they apply, unless necessary to provide the Supportive Measure or to restore or preserve a party's access to the education program or activity, or as otherwise authorized by law.

B. Challenging Supportive Measures

For allegations of Title IX Sex Discrimination, any Party may seek modification or reversal of a decision to provide, deny, modify, or terminate Supportive Measures applicable to them. To request a modification to Supportive Measures, the Party must submit a written request to the Title IX Coordinator. The Title IX Coordinator will designate an impartial employee as an Appeals

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Officer to review the challenge. The Appeals Officer must be an employee, must not be the person who made the challenged decision, and must have the authority to modify or reverse Supportive Measures. The Appeals Officer will only modify or reverse a decision about Supportive Measures if the Appeals Officer determines that the initial decision to provide, deny, modify, or terminate the supportive measure is inconsistent with the definition of Supportive Measures in this Policy.

C. Students with Disabilities

If a Party is a student with a disability, the applicable Coordinator or designee must consult with one of more members, as appropriate, of the student's Section 504 or Individualized Education Program Team (as applicable), to ensure compliance with Section 504 or the IDEA in the implementation of Supportive Measures.

Legal authority: 34 CFR 106.1 et seq.

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3115D Informal Resolution

In lieu of resolving a Complaint through the Grievance Procedure, and if offered by the District, the Parties may instead elect to participate in an informal resolution process. This process is not available to resolve a Complaint that includes allegations that an employee engaged in sex-based harassment of a student, or when such a process would conflict with Federal, State, or local law.

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.

Legal authority: 34 CFR 106.44

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3115E Grievance Procedure and Remedies

A. Grievance Procedure

1. Generally

The District has adopted the following Grievance Procedure that provides for the prompt and equitable resolution of Unlawful Discrimination, including harassment and retaliation, Complaints. This Grievance Procedure will be used to investigate and resolve Complaints of Unlawful Discrimination, including harassment and retaliation, between and among students, employees, volunteers, contractors, and Board members.

The District will treat Complainants and Respondents equitably.

The District requires that any individual serving in a Key Role not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Individuals serving in a Key Role for a Title IX Sex Discrimination Complaint must meet the additional training requirements in Policy 3115H.

The District presumes that the Respondent is not responsible for the alleged Unlawful Discrimination until a determination is made at the conclusion of the Grievance Procedure.

a. Grievance Procedure Stages and Timeframes: The District has established the following stages and, where applicable, timeframes for the Grievance Procedure:

i. Evaluation

Upon receipt of a Complaint, the Coordinator will determine whether to proceed with an investigation or dismiss the Complaint consistent with Policy 3115F. For Title IX Sex Discrimination Complaints, this determination will occur within 5 days.

ii. Investigation

If the Complaint proceeds to the Investigation phase, the Coordinator will appoint an Investigator to conduct the investigation and provide notice of the allegations. The Coordinator may serve as the Investigator. For Title IX Sex Discrimination Complaints, the notice of allegations will be provided within 5 days. For Title IX Sex Discrimination Complaints, the Investigator will endeavor to complete the investigation within 60 days.

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iii. Evidence Access (Title IX Sex Discrimination Complaints Only)

For Title IX Sex Discrimination Complaints only, upon completion of the Investigation phase, the Parties will have 5 days to access and respond to the evidence as further explained below.

iv. Decision

Upon completion of the Investigation, the Decisionmaker will endeavor to promptly issue a decision as to whether Unlawful Discrimination occurred. For Title IX Sex Discrimination Complaints, the decision will be issued within 10 days.

Unless otherwise determined by the applicable Coordinator based on unique circumstances, the Investigator will also serve as the Decisionmaker.

v. Appeal Decision

If an appeal is permitted under Policy 3115F, that appeal must be submitted within 5 days from a Party's receipt of the determination.

At any point, the Coordinator, Investigator, Decisionmaker, or Appeals Officer may reasonably extend timelines on a case-by-case basis for good cause. If good cause exists, the Coordinator, Investigator, Decisionmaker, or Appeals Officer will notify each Party in writing within 5 days of the decision to extend the timelines. Such notice will include the reason and length of the extension. Good cause may include absence of a Party or witness; concurrent law enforcement activity; complexity of the underlying allegations; or the need for accommodations (e.g., language assistance or accommodation of disabilities).

2. Confidentiality

The District will take reasonable steps to protect the privacy of the Parties and witnesses during its Grievance Procedure. These steps will not restrict the ability of the Parties to obtain and present evidence, including consulting with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the Grievance Procedure. The Parties may not engage in retaliation, including against witnesses.

3. Evidence Considerations

The Decisionmaker will objectively evaluate all evidence that is Relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness. For Title IX Sex Discrimination Complaints, the Decisionmaker must attempt to independently question and evaluate the credibility of Parties and witnesses if credibility is in dispute and Relevant.

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4. Complaint Consolidation

The District may consolidate Complaints when the allegations arise out of the same facts or circumstances.

5. Notice of Allegations

Upon receiving a Complaint, the applicable Coordinator will notify the Parties of the following:

a. The Grievance Procedure and any informal resolution process;

b. Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Unlawful Discrimination, and the date(s) and location(s) of the alleged incident(s);

c. Retaliation is prohibited; and

d. For Title IX Sex Discrimination Complaints, the Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence or an accurate description of the evidence. If the District provides a description of the evidence, the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon request.

If, during an investigation, the District decides to investigate additional allegations of Unlawful Discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, the District will notify the Parties of the additional allegations.

6. Investigation

The District will provide for adequate, reliable, and impartial investigation of Complaints. The burden is on the District — not on the Parties — to conduct an investigation that gathers sufficient evidence to determine whether Unlawful Discrimination occurred.

The Parties will be provided an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Throughout the investigation, the Investigator must determine, what, if any, facts remain in dispute. If dispositive facts are not reasonably in dispute (e.g., based on Party admissions, irrefutable evidence), further investigation is not required.

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7. Title IX Sex Discrimination Specific Evidence Rules

a. Access to Evidence: For allegations of Title IX Sex Discrimination, the District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of Title IX Sex Discrimination and not otherwise impermissible, in the following manner:

i. The Investigator will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the Investigator provides a description of the evidence, the Investigator will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;

ii. The Investigator will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and

iii. The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the Grievance Procedure. Disclosure of such information and evidence for purposes of administrative proceedings or litigation related to the Title IX Sex Discrimination Complaint is authorized.

b. Impermissible Evidence: The following types of evidence, and questions seeking that evidence, are impermissible regardless of whether they are relevant:

i. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege is owed has voluntarily waived the privilege or confidentiality;

ii. A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the District obtains that Party's or witness's voluntary, written consent for use in the Grievance Procedure; and

iii. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

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Impermissible evidence will not be accessed or considered, except by the District to determine whether one of the above exceptions applies. Impermissible evidence will not be disclosed or otherwise used in the investigation.

8. Determination

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, the Decisionmaker will:

a. Use the preponderance of the evidence standard to determine whether Unlawful Discrimination occurred. The Decisionmaker must evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded by a preponderance of the evidence that Unlawful Discrimination occurred, whatever the quantity of the evidence, the Decisionmaker will not determine that Unlawful Discrimination occurred.

b. Notify the Parties in writing of the determination whether Unlawful Discrimination occurred, including the rationale for such determination and the procedures and permissible bases for the Complainant and Respondent to appeal, if applicable.

c. Not discipline a Respondent for Unlawful Discrimination unless there is a determination at the conclusion of the Grievance Procedure that the Respondent engaged in unlawful discrimination.

d. Comply with this Grievance Procedure before imposing any disciplinary sanctions against a Respondent.

9. Remedies

If there is a determination that Unlawful Discrimination occurred, the applicable Coordinator will, as appropriate:

a. Coordinate the provision and implementation of remedies to a Complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by Unlawful Discrimination;

b. Coordinate the imposition of any Disciplinary Sanctions against a Respondent. For a Title IX Sex Discrimination Complaint, notify the Complainant of any such Disciplinary Sanctions; and

c. Take other appropriate prompt and effective steps to ensure that Unlawful Discrimination does not continue or recur within the District's education program or activity.

10. False Statements

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A person who knowingly files a false Complaint or makes a materially false statement is subject to discipline, including discharge from employment or expulsion.

The District will not discipline a Party, witness, or others participating in a Title IX Sex Discrimination Complaint Grievance Procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

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 106.1, et seq.; MCL 37.1101 et seq., 37.2101 et seq.

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3115F Complaint Dismissal and Appeals

A. Complaint Dismissal

The District may dismiss a Complaint if:

1. The District is unable to identify the Respondent after taking reasonable steps to do so;

2. The Respondent is not participating in the District's education program or activity and is not employed by the District;

3. The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the applicable Coordinator declines to initiate a Complaint, and the District determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Unlawful Discrimination even if proven; or

4. The District determines the conduct alleged in the Complaint, even if proven, would not constitute Unlawful Discrimination. Before dismissing the Complaint and if necessary, the District will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the District will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, the District will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing.

Upon dismissal, the District will take prompt and effective steps, as appropriate, through the applicable Coordinator, to ensure that Unlawful Discrimination does not continue or recur within the District's education program or activity. The District will offer Supportive Measures to the Complainant as appropriate. The District will also offer Supportive Measures to the Respondent as appropriate if the Respondent has been notified of the Complaint allegations.

The District will notify a Complainant alleging Title IX Sex Discrimination that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the District will also notify the Respondent that the dismissal may be appealed.

B. Complaint Dismissal Appeal – Title IX Sex Discrimination Only

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1. Complaint dismissals may be appealed within 5 days of receipt on the following bases:

   a. Procedural irregularity that would change the outcome;

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

   c. The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

2. If the dismissal is appealed, the District will:

   a. Notify the Parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;

   b. Implement appeal procedures equally for the Parties;

   c. Ensure that the Appeals Officer did not take part in an investigation of the allegations or dismissal of the Complaint;

   d. Ensure that the Appeals Officer has been trained consistent with the applicable federal regulations;

   e. Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

   f. Notify the Parties of the result of the appeal and the rationale for the result.

The Appeals Officer will affirm the dismissal if it met any of the above-listed standards for dismissal, unless the Appeals Officer determines that dismissal will result in unremedied Unlawful Discrimination.

C. Determination Appeal Procedure – Title IX Sex Discrimination Complaints Only

Any party may appeal the determination to the Title IX Coordinator, who will appoint an Appeals Officer to hear the appeal. The appeal must be filed within 5 days of receipt of the determination. The Appeals Officer will offer each Party the opportunity to submit a statement in support of the appeal or in support of the original determination. The Appeals Officer will issue a written decision on the appeal within 5 days of the deadline for the Parties to submit statements.

D. Determination Appeal Procedures – Other Complaints

Unless expressly stated in writing by the Decisionmaker, other determinations are not subject to appeal.

Legal authority: 34 CFR 106.1, et seq.

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3115H Training Requirements, Recordkeeping, and Policy Notice

A. Title IX Training Requirements

The following individuals must receive training related to their duties under Title IX. Training may not rely on sex stereotypes.

1. All Employees

All District employees must be trained upon hiring and annually on:

a. The District's obligation to address sex discrimination;

b. The scope of conduct that constitutes sex discrimination under Title IX and its implementing regulations, including the definition of sex-based harassment;

c. The obligation to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination;

d. The obligation to provide a possible Complainant with the Title IX Coordinator's contact information and information about how to make a complaint of sex discrimination; and

e. Notification requirements for pregnant students.

2. Key Role Training

a. All Key Roles: Any individual who serves in a Key Role under Title IX must be trained upon hire, when Key Role duties change, and annually thereafter on:

i. All training requirements applicable to all employees;

ii. The District's obligations in responding to allegations of sex discrimination;

iii. The District's Grievance Procedure;

iv. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and

v. The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

b. Informal Resolution Facilitator

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Individuals who serve as an Informal Resolution Facilitator must be trained upon hire, when Key Role duties change, and annually thereafter on:

i. All training requirements applicable to all employees;

ii. All training requirements applicable to Key Roles;

iii. The rules and practices of the District's informal resolution process; and

iv. How to serve impartially, including by avoiding conflicts of interest and bias.

c. Title IX Coordinator

Individuals who are designated as a Title IX Coordinator must be trained upon hire, when Key Role duties change, and annually thereafter on:

i. All training requirements applicable to all employees;

ii. All training requirements applicable to Key Roles;

iii. All training requirements applicable to the Informal Resolution Coordinator;

iv. The Coordinator's obligation to coordinate the District's efforts to comply with its responsibilities under Title IX;

v. Supportive Measures;

vi. The District's recordkeeping system;

vii. Recordkeeping requirements; and

viii. Any other training necessary to coordinate the District's Title IX compliance.

B. Other Coordinator Training Requirements

All other Coordinators and individuals assigned to serve in a Key Role outside of Title IX investigations must be adequately trained.

C. Record Keeping

The District will maintain the following records for a minimum of seven years:

1. For each Title IX Sex Discrimination Complaint, records documenting the informal resolution process or the Grievance Procedure, and the resulting outcome;

2. For each notification to the Title IX Coordinator about conduct that reasonably may constitute sex discrimination, including notifications received from District

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employees, records documenting the actions the District took to meet its obligations in responding to sex discrimination; and

3. All materials used to provide training under Title IX.

D. Nondiscrimination Notice Requirement

The District will prominently post on its website and otherwise provide notice of nondiscrimination to students, parents, employees, applicants for admission and employment, and all unions and professional organizations with collective bargaining agreements with the District. The notice of nondiscrimination will comply with all applicable laws.

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 106.1, et seq.; MCL 37.1101 et seq., 37.2101 et seq.

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3118 ~~Title IX Sexual Harassment~~ Nondiscrimination Covenant in Contracts with the District

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.

~~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.~~

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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

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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

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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

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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):

[TITLE IX COORDINATOR NAME OR POSITION/TITLE]
[TITLE IX COORDINATOR OFFICE ADDRESS]
[TITLE IX COORDINATOR PHONE NUMBER]
[TITLE IX COORDINATOR EMAIL]

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.

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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.

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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

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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.

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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

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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.

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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

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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:

a. Identification of the sexual harassment allegations;

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b. 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.

c. Factual findings that support the determination;

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

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

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.

f. 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.

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d. [District may choose to include additional appeal grounds, but should consult with legal counsel before doing so.]

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

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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

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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:

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 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.

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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.

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~~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~~ MCL 37.1101 et seq., 37.2101 et seq., 37.2209

Date adopted:

Date revised:

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Policies - First Reading 5-19-202

The following policy updates are included in this evening's packet for first reading.

2201 Board Powers
2401 Board Member Elections
2501 Meetings
3102 Smoking, Tobacco Products, Drugs, and Alcohol
3106 Booster Clubs, PTOs, and Other Support Groups
3402 Drills, Plans, and Reports
4101 Non-Discrimination
4102 Anti-Harassment
4104 Employment Complaint Procedure for Allegations Implicating Civil Rights
4109 Break Time for Nursing Mothers
4201 Employee Ethics and Standards
4202 Children's Protective Services (CPS) and Adult Protective Services (APS) Reporting and Student Safety and Welfare
4206 Employment Contracts
4209 Abortion Referrals and Assistance
4213 Anti-Nepotism
4215 District Technology and Acceptable Use
4403 Performance Evaluation
4405 Reduction in Force and Recall
4408 Termination
4409 Non-Renewal
4503 Performance Evaluation
4507 Termination
4603 Performance Evaluation
5103 Search and Seizure
5105 Collaboration with Outside Entities
5202 Unlawful Discrimination, Harassment, and Retaliation Against Students
5203 Hazing
5204 Student Appearance and Dress Code
5206C Reinstatement Following Expulsion
5301 Compulsory Attendance, Absenteeism, and Truancy
5303 Student Enrollment and Withdrawal
5409 Academic Credits and Graduation
5415 Summer School
5416 Homebound and Hospitalized Instruction
5510 Student-Initiated, Non-Curricular Clubs
5701 Abuse and Neglect
5707 School Wellness Policy

Series 2000: Bylaws

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 and Board members 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; MCL 691.1408; 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 adopted:

Date revised:

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Series 2000: Bylaws

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~~office must be ~~elected at~~on the ballot for each regular election of the District.

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, 168.302, 168.641, 168.642c; MCL 380.1206

Date adopted:

Date revised:

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Series 2000: Bylaws

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~~in the event of 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.

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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.

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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~~must 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) ~~b~~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.

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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.

J. Recess

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A Board meeting may be recessed. A Board meeting that is recessed for more than 36 hours may only be reconvened once the notice requirements for the meeting, as described in this Policy, have been satisfied, including special meeting or rescheduled regular meeting notice requirements, if applicable.

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

Date adopted:

Date revised:

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Series 3000: Operations, Finance, and Property

3100 General Operations

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, or containing nicotine from any source, 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 and at any District-related event.

C. Drugs

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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 if:

   a. the District building is used for adult education or college extension courses; or

   b. the use or possession of alcohol is part of a generally recognized religious service or ceremony; or

   c. the use or possession is part of a non-school function. The District will require the entity utilizing school property to furnish evidence of insurance, satisfactory to the District, with the District identified as an additional insured on the policy.

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.

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Series 3000: Operations, Finance, and Property

3100 General Operations

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 that supports the District's programs and activities, 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.

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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 adopted:

Date revised:

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Series 3000: Operations, Finance, and Property

3400 School Safety and Security

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~~.~~

~~A.~~ 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~~.~~

~~B.~~ The Board will develop, adopt, and provide for annual review a cardiac emergency response plan as required by law. Beginning in the 2025-26 school year, the Board will integrate the cardiac emergency response plan into the protocols of the local emergency response system and emergency response agencies. Beginning in the 2025-26 school year, all high school athletic coaches must be certified in CPR and use of an AED by the American Red Cross, the American Heart Association, or a comparable organization approved by MDE.

C. Drinking Water Management Plan

By January 2025, the Board will develop, adopt, update, implement, and make available upon request a Drinking Water Management Plan as required by law.

D. Cooperation~~.~~

~~C.~~ 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.

E. Safety and Emergency Plans~~.~~

~~D.~~ 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.

F. Reporting Incidents of Crime~~.~~

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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, 29.19b; MCL 380.1241, 380.1308, 380.1308a, 380.1308b, 380.1310a, 380.1319, 380.1901, et seq.

Date adopted:

Date revised:

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Series 4000: District Employment

4100 Employee Rights and Responsibilities

4102 Anti-Harassment

A. Policy Statement

Employees will have the opportunity to work in an atmosphere free from unlawful harassment as defined by state, federal, and local laws.

The District will promptly and thoroughly investigate complaints alleging unlawful harassment and take appropriate action, including discipline, against any person found to have engaged in unlawful harassment.

B. The District's procedures for investigating unlawful harassment are contained in Policy 3115-3115H. The District's procedures for investigating Title IX sexual harassment are contained in Policy 3118.

C. Reporting Requirements

Board members, administrators, and supervisors must promptly report incidents of unlawful harassment and Retaliation that he/she 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) identified in Policy 3115B.

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 106.1 et seq.; MCL 37.1101 et seq., 37.2101 et seq.; MCL 380.1300a

Date adopted:

Date revised:

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Series 4000: District Employment

4100 Employee Rights and Responsibilities

4109 Break Time for Nursing Mothers

Each time an employee needs to express breast milk during the 1-year period after the child's birth, the District will provide reasonable break time for a non-exempt (i.e., hourly) employee to express breast milk for her nursing childthis purpose 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. For non-exempt employees, break time for this purposeexpressing breast milk will be unpaid unless the non-exempt employee is not completely relieved from duty during the entirety of the break, or the employee uses paid break time to which the employee is otherwise entitled under an applicable collective bargaining agreement, individual employment contract, or employee handbook. A longer accommodation may be available under the Pregnant Workers Fairness Act.

Legal authority: 29 USC 207(r)218d; 34 CFR 106.57

Date adopted:

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Series 4000: District Employment

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. immediately reporting reasonable cause to believe or suspect abuse, neglect, or exploitation of a vulnerable adult;

~~7.~~8. maintaining confidential information, including student, medical, personnel, financial, and security information, as protected by statute;

~~8.~~9. appropriately using District funds, resources, and technology;

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~~9.~~10. maintaining consistent and reliable work attendance, unless excused by the employee's supervisor or the Superintendent or designee, as applicable;

~~10.~~11. engaging in activities or behaviors that enhance the operational and instructional environment;

~~11.~~12. professionally communicating with students, parents/guardians, colleagues, Board members, and community members, including through electronic means;

~~12.~~13. Completing time and effort reporting under 4201-AG.

~~13.~~14. 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.~~15. 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;

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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;

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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.

D. ~~Employees suspecting~~Abuse and Neglect

1. Children: An employee who suspects 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.

   An employees should consult with their immediate supervisor about their duty to cooperate with CPS investigations or to disclose student records to CPS.

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2. Vulnerable Adults: An employee who has reasonable cause to believe or suspect abuse, neglect, or exploitation of a vulnerable adult must: (a) immediately report the matter to Adult Protective Services (APS) consistent with Michigan's Social Welfare Act and Policy 4202, and (b) notify the Superintendent or designee and the building principal or supervisor that the report has been filed.

   A reporter's identity will remain confidential unless disclosure is authorized by the reporter's consent or by court order.

   An employee should consult with their immediate supervisor about their duty to cooperate with APS investigations or to disclose student records to APS.

Legal authority: MCL 380.11a, 380.601a, 380.634, 380.1308a, 380.1814; MCL 722.621 et seq.; MCL 400.11a.

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Series 4000: District Employment

4200 Employee Conduct and Ethics

4202 Children's Protective Services (CPS) and Adult Protective Services (APS) 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, APS, 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 or APS 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 and APS 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.

   School employees who suspect or have reasonable cause to believe that a vulnerable adult was or is being subjected to abuse, neglect, or exploitation must *immediately* report the matter to APS. A vulnerable adult means a person 18 years of age or older who is unable to protect themselves from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age.

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

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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. Pursuant to the state's 2013 Task Force on the Prevention of Sexual Abuse of Children, the Board authorizes the Superintendent or designee to consider and implement all of the following:

    - age-appropriate, evidence-based curriculum and instruction for students in grades pre-K to 5 concerning child sexual abuse awareness and prevention;

    - training for District personnel on child sexual abuse, including but not limited to, training on supportive, appropriate response to disclosure of abuse;

    - providing educational information to parents/guardians on the warning signs of a child being sexually abused and information on needed assistance, referral, or resources;available counseling and resources for students affected by sexual abuse;

    - emotional and educational support for a students affected by sexual abuse; and

    - a review of the system to educate and support personnel who are legally required to report child abuse or neglect.

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Legal authority: MCL 380.10, 380.1308, 380.1308a, 380.1310a, 380.1505; MCL ~~388.1766;~~400.11 et seq.; MCL 722.621 et seq.

Dated adopted:

Date revised:

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Series 4000: District Employment

4200 Employee Conduct and Ethics

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;

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11. date and employee signature;

12. date and signature of authorized District representative; and

13. an appeal process concerning the evaluation process and rating received as required by Revised School Code Sections 1249 (K-12 certified teachers of record) and 1249b (instructional administrators and the Superintendent); 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, 380.1249, 380.1249b

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Series 4000: District Employment

4200 Employee Conduct and Ethics

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, 388.1766a11as

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Series 4000: District Employment

4200 Employee Conduct and Ethics

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/guardian, 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. when in the District's best interest with prompt notice to the Board.

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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

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Series 4000: District Employment

4200 Employee Conduct and Ethics

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.

Requests for District records must be promptly directed to the FOIA Coordinator under Policy 3501. Only authorized employees may disclose District records to third parties unless otherwise permitted by law.

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.

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Legal authority: 47 USC 254; MCL 397.606

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Series 4000: District Employment

4400 Professional Staff

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 (K-12 certified teachers of record)

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 during the 2023-24 school year;
    c. teachers rated needing support or developing; or
    d. at the evaluator's discretion when performance deficiencies are noted.
4. classroom observations of at least 15 minutes each 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 and a post-observation meeting between the teacher and the school administrator conducting the observation to discuss those items;
5. a mid-year progress report, if required by law, which aligns with the teacher's individualized development plan, includes specific performance goals

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developed by the evaluator, and any recommended training identified by the evaluator;

6. a year-end performance evaluation effectiveness rating, of effective, developing, or needing support;

7. tenured teachers rated as highly effective or effective on the 3 most recent consecutive year-end evaluations may be evaluated triennially, but if the teacher is not rated as effective on one of the triennial year-end evaluations, the teacher must receive year-end evaluations;

8. a mentor for teachers rated developing or needing support or for teachers in the first year of probation;

9. opportunity for a tenured teacher rated needing support on a year-end evaluation to request a review consistent with Revised School Code Section 1249;

10. 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;

11. website posting of required information for the evaluation tool;

12. training on the evaluation tool for teachers and evaluators as required by law; and

13. 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~~must 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.

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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 and Teachers Not Subject to ~~the Teachers' Tenure Act~~Revised School Code Section 1249

For Non-Teaching Professionals ~~without a teaching certificate who are~~and teachers not subject to ~~the Teachers' Tenure Act~~Revised School Code Section 1249, 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 adopted:

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A. Reduction in Force and Recall for ~~Classroom~~ Teachers as Defined by Section 1249 (K-12 certified teachers of record)

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:

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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/guardians, and students;

K) Ability to withstand the strain of teaching;

L) Compliance with state and federal law; and

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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.

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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 all other factors distinguishing those teachers from each other are equal, seniority (as established by the most recent seniority list for the bargaining unit to which the teachers belong or, if none exists, the District's records) will determine preference for reduction or recall.]

2. Teacher Recall Process

a. A teacher is eligible for recall under this Policy for 12 months from the date the District implemented the reduction in force.

b. The Superintendent will first identify the academic level(s) or department(s) where a teaching vacancy exists.

c. Before or in lieu of initiating the recall of a laid-off teacher, the Superintendent may reassign teachers to fill vacancies in accordance with Policy 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 and Teachers Not Subject to Revised School Code Section 1249

For Non-Teaching Professionals and teachers not subject to Revised School Code Section 1249 who are 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 and teachers not subject to Revised School Code Section 1249, the Superintendent will recommend a reduction in force or recall among ~~Non-Teaching Professionals~~those

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employees using the same standards and procedures as set forth in this Policy for teachers.

C. Unemployment Compensation

A ~~teacher or Non-Teaching~~ Professional Staff employee 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 adopted:

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Series 4000: District Employment

4400 Professional Staff

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~~

C. Non-Teaching Professionals and Teachers not subject to the Teachers' Tenure Act (preschool, GSRP, or other teachers if they did not serve a probationary period under the Tenure Act)

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Unless otherwise provided by a collective bargaining agreement or individual employment contract, a Non-Teaching Professional or teacher who is not subject to the Teachers' Tenure Act may be terminated by the Board 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 or teacher to the Board. The recommendation will include the reason(s) for the proposed termination.

Non-Teaching Professionals or teachers 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 adopted:

Date revised:

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Series 4000: District Employment

4400 Professional Staff

4409- Non-Renewal For the 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.

A. Probationary Period

1. A probationary teacher rated developing~~,~~ or needing support may be subject to non-renewal consistent with the Teachers' Tenure Act. To attain tenure, a probationary teacher must be rated effective (after July 1, 2024) or highly effective (before July 1, 2024) on the teacher's 3 most recent year-end annual performance evaluations and serve at least 4 full school years. A teacher's probationary period may extend ~~beyond 4 years~~ , or the probationary teacher may be nonrenewed, if the teacher does not receive 3 consecutive effective ratings during the probationary period.

~~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. The Board may make such a reduction if it determines that it is in the District's best interest considering factors such as the teacher's employment history; certifications, approvals, or authorizations; experience in subject matter or grade level; professional development, training, and academic preparation; and any other relevant factors as determined by the Board.

B. Non-renewal

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1. Probationary teacher non-renewal is subject to the non-renewal procedures specified in the Teachers' Tenure Act. This Policy ~~shall~~will be implemented consistent with that statute.

2. Before non-renewing a probationary teacher, the probationary teacher must receive written notice of the Superintendent's or designee's recommendation for non-renewal and the time, date, and place of the Board meeting at which the Board will consider the recommendation. The recommendation for non-renewal will state the reason(s) for the recommendation and may include supporting documentation.

3. The probationary teacher must receive written notice of Board action to non-renew the teacher's contract at least 15 calendar days before the end of the school year (June 30) except as provided in subsection 4 below. If the teacher is hired after the beginning of the school year, notice of non-renewal must be received at least 15 calendar days before the teacher's anniversary date of hire.

4. For a teacher who previously held tenure in another Michigan public school district, the teacher must receive written notice of non-renewal at least 60 calendar days before the completion of the probationary period.

C. The probationary teacher will be provided an opportunity to address the Board in open or closed session and respond to the Superintendent's or designee's recommendation to non-renew.

D. The Board must take action in open session on the recommendation to non-renew the probationary teacher.

E. The probationary teacher must be served with written notice of the Board's action non-renewing the teacher's employment and a copy of the Board action within the 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.

F. Teachers who are not subject to the Teachers' Tenure Act may be non-renewed at the discretion of the Board for any lawful reason subject to an applicable collective bargaining agreement or individual employment contract.

Legal authority: MCL 38.81 et seq., 38.91 et seq.

Date adopted:

Date revised:

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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 and appeal 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.

The Administrator's individual employment contract will include an appeal process concerning the evaluation process and rating received.

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 adopted:

Date revised:

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Series 4000: District Employment

4500 Administrators/Supervisors

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~~The applicable collective bargaining agreement or individual employment contract will set forth the procedure for terminating an Administrator, Supervisor, or Director. If the applicable collective bargaining agreement or individual employment contract does not set forth a procedure, then 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 adopted:

Date revised:

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Series 4000: District Employment

4600 The Superintendent

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~~an annual evaluation process that meets statutory standards and is based on objective criteria;

~~A.~~B. an 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.~~C. an improvement plan if the Superintendent is evaluated as ~~minimally effective~~developing or ~~ineffective~~needing support, or otherwise at the Board's discretion;

~~C.~~D. student growth and ~~other considerations~~assessment data or student learning objectives, as ~~required~~defined by ~~law~~Revised School Code Section 1249;

~~D.~~E. an evaluation and feedback provided in writing with an overall effectiveness rating of ~~highly~~ effective, ~~effective, minimally effective, or ineffective~~developing, or needing support;

~~E.~~F. dismissal of a Superintendent rated ineffective or needing support on 3 consecutive ~~year-end~~ evaluations;

G. a midyear progress report for each year that the Superintendent is evaluated that includes specific performance goals for the remainder of the year and any recommended training identified by the Board;

~~F.~~H. a tool approved by the MDE, a modified MDE tool ~~(if posting requirements are met),~~ or a local evaluation tool adopted in compliance with Revised School Code Sections 1249 and 1249b;

I. opportunity for a Superintendent rated needing support to request a review consistent with the procedure for other administrators under Revised School Code 1249b;

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~~G.~~J. website posting of required information pertaining to the evaluation tool;

~~H.~~K. providing appropriate training for Board members; and

~~I.~~L. other components that the Board deems relevant, important, or in the District's best interests.

The Superintendent's individual employment contract will include an appeal process concerning the evaluation process and rating received.

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 adopted:

Date revised:

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Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

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), suspicionless 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 any confiscated dangerous weapons, as defined in Policy 5206, and. For all other confiscated contraband and evidence, the building principal or designee may turn the item over to law enforcement or store it in a secure place any other contraband or evidence seized from a search at school 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 adopted:

Date revised:

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Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5105 Collaboration with Outside Entities

The District may, from time to time, collaborate with outside entities to offer programming to students. 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 adopted:

Date revised:

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5200 Student Conduct and Discipline

5202 Unlawful Discrimination, Harassment, and Retaliation Against Students

The District prohibits unlawful discrimination. "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.

Complaints alleging Unlawful Discrimination, harassment, and Retaliation against a student will be investigated using the process outlined in Policies 3115-3115H.

Complaints alleging Title IX sexual harassment will be investigated using the Grievance Process outlined in Policy 3118.

The identities of the District's Title IX Coordinator, Section 504 Coordinator, and Civil Rights Coordinator are listed in Policy 3115B.

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. 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 to the extent possible pursuant to Policies 3115-3115H or Policy 3118, as applicable. Minor students do not need Parent permission to file a

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Complaint or participate in the Grievance Procedure described in Policies 3115-3115H~~.~~ and 3118.

C. 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

An OCR 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 discrimination and to discipline the alleged perpetrator, if appropriate. OCR does not serve as an appellate body for District decisions. An investigation by OCR will occur separately from any District investigation.

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 106.1, et seq.; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted:

Date revised:

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5203 Hazing

Hazing is prohibited. 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 adopted:

Date revised:

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Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

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 the law and this Policy.

Legal authority: MCL 37.2101 et.seq.

Date adopted:

Date revised:

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STET parent/guardian in all instances

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206C Student Discipline - Reinstatement Following Expulsion

The District will consider a petition for reinstatement from an expelled student or the ~~parent/guardian~~Parent consistent with this Policy and Revised School Code Sections 1311 and 1311a.

A. Reinstatement Following Mandatory Permanent Expulsion

The ~~parent/guardian~~Parent 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~~Parent 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~~Parent 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~~Parent (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~~Parent or student to use. The Board may request that the ~~parent/guardian~~Parent or the student attach additional relevant information to the reinstatement petition.

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The Board will appoint a reinstatement committee, consisting of two board members, one administrator, one teacher, and one ~~parent/guardian~~Parent 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~~Parent 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~~Parent, the degree of cooperation that the ~~parent/guardian~~Parent has provided the student and the degree of cooperation the ~~parent/guardian~~Parent 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~~Parent 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~~Parent, the ~~parent/guardian~~Parent, to agree in writing to specific conditions to reinstatement, including, without limitation, a behavior contract, completion of an anger

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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~~Parents (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~~Parent 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.

If the Board establishes different or additional reinstatement terms or procedures at the time of expulsion pursuant to Revised School Code Section 1310d, those terms or procedures will apply in lieu of or in addition to the procedures above.

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~~ review and consider the petition at its next regularly scheduled meeting ~~to . The Board will also review and~~ consider ~~the petition and~~ any information submitted by the ~~parent/guardian~~Parent 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~~Parents (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~~Parent 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~~.~~,; 20 USC 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

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Series 5000: Students, Curriculum, and Academic Matters

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~~Parent 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 from a physician, physician assistant, or nurse practitioner is required after 4 consecutive days of absence for illness);
- severe weather;
- 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;

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- 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 has ten(10) absences in a school year, 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,

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 adopted:

Date revised:

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Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

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. The Superintendent or designee may pursue all available legal options, including referral to law enforcement, against any person who provides false or misleading enrollment information.

A person enrolling a student must provide the following within 30 calendar days after enrollment:

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- 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.

The District will, consistent with Policy 5714, request the student's oral health assessment information during the enrollment process for students enrolling for the first time in kindergarten or first grade.

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 adopted:

Date revised:

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5400 Curriculum, Instruction, and Parent~~/Guardian~~ Involvement

STET

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.

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 parent/guardian of a student with a disability under the Individuals with Disabilities Education Act may request a personal curriculum before the student has completed grade 9.

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 met content expectations 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

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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 adopted:

Date revised:

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The District may offer a summer school program to provide additional educational opportunities for students who need remedial instruction, credit recovery, or enrichment experiences. Students enrolled in summer school are subject to Board policies, rules, laws, behavioral expectations, and applicable student codes of conduct.

~~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).~~

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Date revised:

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Series 5000: Students, Curriculum, and Academic Matters

STET

5400 Curriculum, Instruction, and Parent~~/Guardian~~ Involvement

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. ~~t~~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. ~~t~~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~~, as soon as possible, either convene an IEP Team meeting or amend a student's IEP without a meeting and with Parent agreement to consider the appropriate services to be provided in the least restrictive environment.

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 ~~A~~adopted:

Date ~~R~~revised:

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Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

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~~The appeal 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

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Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5701 ~~Child~~ Abuse and Neglect

A. 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 wi~~thout parent/gu~~ardian 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

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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.

B. Vulnerable Adults

All school employees must report suspected abuse, neglect, or exploitation of a vulnerable adult consistent with Michigan's Social Welfare Act.

The District will cooperate with an Adult Protective Services (APS) investigation to the extent required by law. The District may share student records with APS only as permitted by Policy 5309 and the Family Educational Rights and Privacy Act.

If the District makes a report to APS, 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.

Legal authority: 20 USC 1232g; MCL 722.621 et seq.; MCL 400.11a

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STET parent/ guardian in all instances

5700 Student Health and Safety

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~~Parents 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:

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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~~Parents, 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

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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~~Parents, 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

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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~~Parent 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.

3. Meal Charge Policy

   The District's policy on charged meals is:

   If a student has no funds available to pay for a meal, the student will be provided a meal, and the student's account will be charged.

   Students who qualify for free meals will not be denied a reimbursable meal, even if they have accrued a negative balance from other food purchases.

   The District will encourage parents/guardians to complete financial eligibility forms as part of the student enrollment process to determine eligibility for free or reduced-price meals.

   The Board directs the Superintendent to include this Policy in the student handbook and to distribute it to parents/guardians.

Date adopted:

Date revised:

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