OTSEGO PUBLIC SCHOOLS

ADMINISTRATIVE GUIDELINES

CLARK HILL MODEL ADMINISTRATIVE GUIDELINES TABLE OF CONTENTS

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Article III: Curriculum and Instruction

AG III-4. Parental Involvement in the School Programs

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving students´ academic learning and other school activities, including ensuring that parents play an integral role in assisting their child's learning; that parents are encouraged to be actively involved in their child's education at school; that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child; and the carrying out of other activities such as those described in 20 USC §6318 and AG II-12 on parent and family engagement.

The District will hold meetings with parents at least semi-annually to jointly develop, review and modify the Parental Involvement Plan, and shall send periodic communications addressed to parents through the School District's website and other media.

The District, with parental participation, will annually evaluate its Parental Involvement Policy and will be conducted with parental participation. Revisions to the Policy will be made as needed.

AG III-6. Special Education

Child Find

The District assumes responsibility for Child Find activities and outreach for preschool-aged-children. All local educational agencies will assume responsibility for eligible in-school and out of-school youth up to age 26 through special education programs/services and establish cooperative liaisons with other agencies and professionals who are potential referral sources. District staff will coordinate Project Find activities.

Educational Interventions

Local educational agencies will provide an intervention system that identifies students who are at risk for academic and behavior problems as close to school entry as possible. Intervention systems shall also include strategies for instruction, positive behavioral supports, and progress monitoring. Students at risk will be provided specially designed instruction by highly qualified personnel that targets identified areas as early as possible. Instruction shall be targeted at identified deficit areas and be monitored, paced, and changed according to student progress in mastering the skills taught. Intervention will be provided at the student’s achievement level and according to individual needs. Intervention systems will be a coordinated and cooperative effort of the total educational community.

Educational Evaluations

The District will employ or contract for professionals to conduct educational evaluations, and if necessary, provide services, as determined appropriate by the IEP team. Such evaluations may include, but are not limited to psychological evaluation, speech and language evaluation, social work evaluation, physical therapy evaluation, occupational therapy evaluation, assistive technology assessment, behavioral assessment, audiological evaluation, vision evaluation, and orientation and mobility evaluation.

Medical Evaluations

If educationally necessary and appropriate, the District may contract for specific medical evaluations, as determined by the IEP team.

Programs and Services

The District maintains a full continuum of programs and services. The continuum represents a full range of programs and services that provide the Least Restrictive Environment (LRE) at each educational level (pre-primary through secondary). This may include various alternative programs and service arrangements such as cooperative agreements with local educational/community agencies, other Districts, or state agencies.

To the maximum extent appropriate, special education eligible students shall be educated with their non-disabled peers.

Assignment to special classes, separate schools, or non-school settings will occur in accordance with IEP team determination when the nature and severity of the disability is such that education in a regular class, with the use of supplemental aides, services, and accommodations, cannot be successfully achieved.

Transportation

Transportation is an essential component in bringing children with disabilities to special education centers and inter-district programs. The District will ensure students' transportation needs, as determined by the IEP team, are shared with the bus driver. The District will ensure efficient routing to minimize one-way travel time of students.

AG III-7. Programs for Gifted and Talented Students

To foster the development of special abilities of each student, the District provides an instructional program to meet the needs of identified gifted and talented students. The learning outcomes of a program for gifted and talented students shall include:

A. Expansion of academic attainments and intellectual skills;

B. Stimulation of intellectual curiosity, independence, and responsibility;

C. Development of originality and creativity;

D. Development of positive attitude toward self and others;

E. Development of desirable social and leadership skills;

F. Career exploration and awareness.

AG III-9. Postsecondary (Dual) Enrollment Options

Before March 1 each year, the high school principal(s) shall provide information regarding the optional postsecondary (dual) enrollment program to the students currently enrolled in grades 8 through 11 and to their parents. This information shall include the District's requirements for participation, and shall be in accord with State rules and regulations. The information shall be posted on the District's website and communicated electronically to each student and their parents. The postsecondary institutions to which this option program applies are any State-assisted and degree-granting college or university and any other nonprofit educational institution that is certified to operate in the State.

Eligibility

"Eligible student" means a student enrolled in at least one (1) high school class in the District who becomes eligible by completing all of the required tests and receiving a score(s) that qualifies for entry into the postsecondary (dual) enrollment program.

An eligible student must have at least one (1) parent or legal guardian who is a resident of Michigan. Except as provided by law, an eligible student shall not have been enrolled in high school for more than four (4) school years, including the school year in which the student seeks to enroll in a postsecondary (dual) enrollment course.

A student must have completed the requirements for his/ her eligibility and is limited to enrollment in a subject area in which s/he has met these requirements.

In addition, the student must meet the eligibility requirements of the postsecondary institution of choice and be accepted by that institution.

AG III-10. Homebound Instruction

A principal who is notified that an enrolled student will be homebound or hospitalized for a medical condition which will extend beyond five (5) school days shall:

A. Request written notification accompanied by certification by a physician who is either an M.D. or a D.O. or a licensed physician's assistant of the student's condition and any limitations that will affect the student's ability to benefit from instruction.

B. If the student is enrolled in special education, contact the District's special education office so that the homebound instruction can satisfy the student's and the objectives to which homebound instructional efforts should be addressed. The District shall arrange for instruction by a properly certified teacher

for a minimum of two (2) non-consecutive hours a week until the student is released to return to school.

C. For a non-disabled student, arrange for instruction by a properly-certified teacher to provide a minimum of two (2) forty-five (45) minute periods of instruction per week until the student is released to return to school. For a student eligible under Section 504, the District shall consider any other factors which must be considered in providing homebound instruction.

The student's regularly-assigned teacher(s) is responsible for assigning the content of the instruction, reviewing the results of the homebound or hospitalized instruction, and assigning a grade. The homebound/hospital teacher is to work with the regularly-assigned teacher(s) to ensure the student receives the appropriate instruction.

AG III-11. Career and Technical Education

During the process of developing and reviewing a student's plan for completing education, a student shall be advised of the Michigan Department of Education (MDE)-approved career and technical education program curriculum.

Career and technical education credits may include work-based learning by a student working at a business or other work setting with appropriate oversight by the District over the student's experience and learning in the work setting, (MDE approval of such an experience is required.)

State-approved career and technical education wage-earning programs shall include the following:

A. A coherent sequence of courses so students gain academic, technical, and work behavior skills.

B. Instruction that includes classroom, laboratory, or work-based learning, and leadership opportunities.

C. Instruction that is supervised, directed, or coordinated by an appropriately certified career and technical education teacher.

D. Consists of standards approved by the Michigan Department of Education.

E. Receives approval from the MDE Office of Career and Technical Education through an application process.

Students must show successful completion of the State-approved curriculum through completion of coursework covering all State program standards and must have taken any required technical assessment. Planning regarding any student Career and Technical Education Program requires close coordination with the MDE Office of Career and Technical Education.

AG III-12. Guidance and Counseling

Guidance and counseling play a significant role in the operation of the District and the lives of our students.

Purpose of the Services

The purpose of guidance is to help students:

A. Select and participate in academic and other school activities that will best ensure achievement of defined educational and personal goals that are commensurate with their abilities;

B. Identify, analyze, and contact agencies and institutions that can provide follow-up programs or services related to a student's goals and future plans.

C. Regularly meet with students to track progress toward graduation.

The purpose of counseling is to help students:

A. Resolve problems and overcome obstacles that are preventing them from achieving their educational and personal goals;

B. Maintain productive relationships with other students, staff members, parents, and other adults, and/or organizations and institutions in their community.

Counselors guide students in course selection and career planning without discrimination or bias, and without making predictions of success or failure based on a student's race, color, national origin, gender, age, socioeconomic status or disability. If materials or resources are used to recruit students to a particular career path or vocational choice, the counselor and teacher must ensure that such materials and/or presentations do not indicate or imply racial, gender, or disability stereotypes. Efforts should be made, when applicable to a program, to use resource people who represent special populations contained within the student body being recruited for or guided toward the program or career path.

Staff Responsibility

Members of the professional staff and support staff should behave in a caring and respectful manner toward students. If staff become aware that a student needs either guidance or counseling, staff should take whatever steps are necessary to ensure that a student has made productive contact with a member of the guidance and counseling staff.

All staff members are encouraged to be good listeners – that is, to be sensitive to signs that a student has something they need to talk about.

Confidentiality

It is incumbent on all staff members to be knowledgeable about the laws regarding confidentiality of information, whether it be part of a student's educational record or communication with a student.

As it relates to confidentiality of communications, families have an expectation of privacy regarding their family relationships. Such expectation may be superseded in certain situations where the rights of a minor student would prevail, such as one-on-one counseling situations with a licensed counselor. Upon receiving confidential information regarding a student's or family's personal relationship, a staff member who is not a licensed professional counselor or who has a limited counseling license should consult with the building administrator regarding disclosure. Examples of situations where disclosure could occur include group counseling sessions, health classes, crisis intervention activities, and informal conversation. Information shared with a licensed counselor is to be considered privileged information and not to be shared with anyone unless the counselor believes a student's health and/or well-being is in jeopardy. In such cases, the counselor should contact the appropriate agency and consult with the administrator prior to making contact with a student's parents.

In determining whether or not to disclose information, the administrator must consider:

A. The student's need to maintain confidentiality in order to obtain and benefit from assistance balanced against the parents' rights to the care, custody, and control of their child;

B. If there is a compelling need involving the immediate health, safety, or welfare of a student or others.

In balancing these concerns, the administrator must also consider:

A. The nature of the relationship between the student and their parents;

B. Potential benefits and risks of maintaining confidentiality versus disclosure;

C. The best interests of the student.

AG III-13. Parental Objections

A parent who objects to educational material or media center material used by the District may present a written complaint to the building administrator identifying the material to which he or she objects and the basis of the objection.

The Superintendent or designee will refer the written complaint to the District's Department of Curriculum and Instruction for review by the Director and other staff members the Superintendent and Director deem appropriate. The reviewer(s) will review the complaint and, if necessary to understand the complaint, meet with the parent, and shall then prepare a written response for the

Superintendent's consideration. The Superintendent will review the written response and issue a final decision upholding, in whole or in part, or rejecting the objection. The Superintendent's determination will be final. Materials which are the subject of the complaint will remain in use pending the Superintendent's final decision, unless the Superintendent directs otherwise.

AG III-14. Wellness

Schools play an important role in developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

The effort to support students' development of healthy behaviors and habits must be collaborative between staff, parents, and the community at large. The District has the following goals to enable students to establish good health and nutrition habits:

A.Nutrition education shall be included in the sequential, comprehensive health curriculum in accordance with the curriculum standards and benchmarks established by the State.

B. Nutrition education shall include opportunities for appropriate student projects related to nutrition and involving, when possible, community agencies and organizations.

C. Nutrition education posters will be displayed in the cafeteria.

D. Nutrition education shall extend beyond the school by engaging and involving families and the community.

E. Physical education shall be included in the sequential, comprehensive curriculum in accordance with the curriculum standards and benchmarks established by the State.

F. Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

G. Physical education planned instruction shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, or harassment or any kind.

H. Physical activity shall not be employed as a form of discipline or punishment.

I. Physical activity and movement shall be encouraged across the curricula and throughout the school day.

J. Physical activities that are age-appropriate and promote healthy habits of lifelong physical activity shall be provided throughout the school day (e.g., recess, after-school clubs, and interscholastic sports).

The District shall create an environment encouraging healthy eating habits, including offering a variety of fresh produce; whole grain products; fat-free and low-fat milk; and meals designed to meet specific calorie ranges for age/grade groups.

The Superintendent shall appoint a District Wellness Committee to represent all school building levels this is comprised of parents, students, representatives of the school food staff, educational staff (including health and physical education teachers), mental health and social services staff, school health professionals, members of the public, clergy, and school administrators to oversee development, implementation, evaluation, and periodic update of the wellness policy.

The Wellness Committee shall be responsible for:

A. Assessment of the current school environment;

B. Review of the District's wellness policy;

C. Presentation of the wellness policy to the school board for approval;

D. Measurement of the implementation of the policy; and

E. Recommendation for the revision of the policy, as necessary.

F. Reproductive Health (MCL 380.1507)

Each year, the Wellness Committee shall recommend to the Superintendent any revisions to the policy it deems necessary and/or appropriate. In its review, the Wellness Committee shall consider evidence-based strategies in determining its recommendations.

The Wellness Policy will be assessed annually to determine which schools in the District are in compliance with the District policy, how the District policy compares to model wellness policies, and the progress made in attaining the goals of the District Wellness Policy.

AG III-15. Nondiscrimination

See AG V-2 for the procedure following complaints by students or others of illegal discrimination, non-sexual harassment, or sexual harassment.

AG III-16. Field Trips and Other District-Sponsored Trips

Field Trips

Field trips are defined as out of the District and take place within one day or less. All field trips require approval by the building administrator.

A ratio of one (1) adult to every 15 students is required for a field trip. Forms required for a field trip include, but may not necessarily be limited to:

- Field Trip/Student Travel Application;
- Bus Requests (under 250 miles); and
- Permission Slip/Liability Waiver.

Overnight Trips – District Sponsored

Student travel is defined as one-day travel beyond a 40-mile radius of the District, overnight travel, out-of-state travel, or out-of-country travel. Student travel beyond 40 miles requires approval by the Superintendent. Board approval is required for student travel that is overnight, out-of-state, or out-of-country. The ratio of one (1) adult to every 10 students is required for student travel that is overnight, out-of-state, or out-of-country.

Forms that are required for student travel and overnight trips include, but are not limited

to:

- Field Trip/Student Travel Application

- Bus Request
- Permission Slip/Waiver

- Health – Medical Release Form

When a staff member seeks Board approval for a trip on which students will be away from home for one (1) or more nights, all requests must be submitted to the Superintendent two (2) weeks prior to the Board meeting at which approval will be sought. The staff member who will be in charge of the trip is responsible for preparing the proposal, reviewing it with the relevant principals, and obtaining written approval from each.

AG III-17. Student Assessment

On an annual basis, the Superintendent will present to the Board and inform District administrators and teachers of the national, statewide, and districtwide assessments the District will administer. District personnel shall administer assessments consistent with protocols established by the Superintendent and the testing agencies. Students are expected to participate in assessments. Assessments will be administered to disabled students consistent with their IEPs or Section 504 Plans.

All assessment results shall be made available to parents. School personnel shall be trained to interpret assessment results for use in the delivery of educational services and to explain to parents. School personnel who administer assessments will be trained in administration procedures.

AG III-18. Placement and Promotion

Placement.

Building administrators shall be responsible for placing students in schools, grades, and courses. In addition to their good judgment, building administrators should consider the following factors, among others:

1. The student's academic achievement and ability as reflected in scores on standardized tests;
2. The student's academic performance in District classes or while enrolled in another district;
3. Potential for success at the next level;
4. The student´s chronological age;
5. The student´s emotional and social maturity; and
6. Views and attitudes of parents and student.

Promotion and Retention.

Typically, students will advance to the next grade level after the end of the school year. If

retention is a possibility, the following procedure shall be followed:

A. The teacher shall notify the student's parents when it appears to the teacher that retention may be recommended. A conference shall be held with the parents in order to discuss the possibility of retention and develop plans for the student's success.

B. Elementary and middle school teachers will make actual recommendations about retention for the next school year to the principal at least six (6) weeks before the end of the school year. At that time a conference will be scheduled with the principal, teacher(s), and parents.

C. After the conference, the principal, in consultation with the teacher, shall decide whether the student should be retained.

D. In determining whether a student should be retained, the following factors, among others should be considered:

1. The student's academic achievement and ability as reflected in scores on standardized tests;
2. The student's academic performance in District classes or while enrolled in another district;
3. Potential for success at the next level;
4. The student´s chronological age;
5. The student´s emotional and social maturity; and
6. Views and attitudes of parents and student.

E. High School – See the High School Student Handbook for criteria.

F. The principal's determination of whether to retain a student shall be final.

AG III-19. Third Grade Reading Requirements

An initial assessment will be given to all children in Young 5/kindergarten through third grade within thirty (30) days of the first day of school. An Individualized Reading Improvement Plan (IRIP) will be written for learners who have been identified as having a reading concern through these assessments. Students who qualify for an IRIP will receive it within thirty (30) calendar days of the student showing a deficit. Reading intervention services will be provided by a reading specialist/literacy coach. A "Read at Home" plan will be developed in collaboration between the teacher, reading specialist, and parent. The District must document any dissenting opinions to the IRIP.

A student will not be enrolled in fourth grade until one of the following occurs:

- The student achieves a reading score not more than one (1) grade level behind on a third grade reading assessment;

- The student demonstrates a third grade reading level on an alternative standardized reading assessment;
- The student demonstrates a third grade reading level through a student portfolio with multiple work samples; or
- The student qualifies for a good cause exemption as outlined in MCL 380.1280f, and as determined by the parents and the District.

AG III-20. Reporting Student Progress

In addition to the requirements of the Assessment (AG III-20) and Grading (AG III-24) provisions of these Guidelines, administrators and teachers should endeavor to use other methods to assist parents to understand how well the student is achieving program objectives and accomplishing the educational goals of the District, including parent conferences according to a schedule set by the District, or more often as necessary; and other means of communication, including an electronic gradebook and other electronic tools as may be available in the District.

AG III-21. Grading

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

The District's building administrators are responsible for creating and, as necessary, updating or revising forms for periodic progress reports and grades for elementary, middle school, and high school students. Teachers shall complete all necessary forms for periodic progress reports and grades in an objective, consistent, and timely manner.

Teachers are also responsible for notifying students and parents when a student's work appears likely to result in a failing grade. A teacher may not award a failing grade to a secondary student unless he or she has provided such notice in a timely fashion.

Academic reports and grades shouldbe based on students' academic work, and not on the student's conduct. Conduct may be reported in citizenship reports.

Building administrators shall assist teachers as necessary to provide progress reports consistent with Board policies and these administrative guidelines.

Final Grade Appeals. The responsibility for issuing a grade to a student is the teacher's. Disagreement regarding a grade should ordinarily be brought to the teacher who issued the grade. A student or a parent who wishes to appeal a grade awarded by a teacher may do so by notifying the building administrator in writing no later than 15 calendar days after the grade is issued, and identifying the basis for the appeal. The building administrator will promptly schedule a meeting with the parent and/or student and teacher to discuss the appeal. If the teacher does not concur with the

appeal, the building administrator will issue a decision resolving the appeal. Thebuilding administrator's decision shall be final.

AG III-22. Graduation Requirements

A building principal may recommend a student for graduation and a diploma when the student has met the requirements established by these regulations.

A student is eligible for recommendation for graduation when he or she has:

1. Completed four years of high school, unless a request for early graduation has been granted;
2. Earned the prescribed number of total high school credits as outlined in the appropriate student handbook, including all required by the Michigan Merit Curriculum courses and credits (which may include middle school courses aligned with Michigan Merit Curriculum, although such courses may not be used in the calculation of the student's high school grade point average); and
3. Completed all scheduled assessments.

The Michigan Merit Curriculum eligibility requirement may be fulfilled through a Personal Curriculum created according to Michigan law and approved by the building administrator. The building administrator will not approve Personal Curriculum deviations from District graduation eligibility requirements based on a student´s personal preference for one or more subjects over others.

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

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

AG III-23. Controversial Issues

The following guidelines are designed to assist teachers in the instruction of controversial issues in the classroom:

. When a controversial issue is not part of a course of study, its use in the classroom must be approved by the principal.

A. Before introducing a controversial issue, teachers should consider:

1. the chronological and emotional maturity of the students;

2. the appropriateness and timeliness of the issue as it relates to the course and the students;

3. the extent to which they can successfully handle the issue from a personal standpoint;

4. the amount of time needed and available to examine the issue fairly.

B. When discussing a controversial issue, the teacher may express his/her own personal position, as long as s/he makes it clear that it is only his/her opinion. The teacher must not, however, bring about a single conclusion to which all students must subscribe.

C. The teacher should encourage student views on issues as long as the expression of those views is not derogatory, malicious, or abusive toward other student views or toward a particular group.

D. Teachers should help students use a critical thinking process such as the following to examine different sides of an issue:

For each stated position:

1. What is the person (group) saying?

2. What evidence is there that what is being said is true?

3. What is said that would lead you to think the position is valid?

4. What are the strengths and weaknesses of this position?

5. What do you think would happen if this point of view was accepted and was put into practice?

For reaching conclusions:

1. On balance, what do you think is the most reasoned statement? the most valid position?

2. What is there in the statements that supports your conclusion? What other things, beside what is being said, leads you to your conclusion?

Article IV: Students

AG IV-1. Enrollment: Eligible Students.

Residency

The Board has directed that, except as provided below, enrollment in the District shall be limited to students who are residents of the District, or who are otherwise entitled by State or Federal law to attend school in the District. Students in the following categories are eligible to attend school in the District:

A. A student who lives with one or both parents or a legal guardian in a home they own or rent in the District. A parent or legal guardian lives in a home if it is the person's primary legal domicile. To be a resident of the District, a person must actually live in a home in the District; merely owning or renting a home in the District is not sufficient to establish residency.

B. A student who does not live in the District, but whose parent or legal guardian lives within the District. See paragraph 1, above, for definition of when a person resides in the District.

C. A student who lives with a parent or legal guardian who lives with another person in the District. In other words, the parent or legal guardian does not own or rent his/her residence, but lives with another, and the student lives with them.

D. A student whose parent or legal guardian, residing outside the District, is unable to provide a home for the student, and who places the student in the home of a relative of the student within the District for the purpose of securing a suitable home for the child and not for an educational purpose.

E. A student who is placed in a licensed home in the District.

F. A student who is homeless. A person is homeless if s/he lacks a fixed, regular and adequate nighttime residence, or has as a primary nighttime residence a shelter, an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designed for or ordinarily used as a regular sleeping accommodation for humans.

G. A student who is in Foster Care. If a child who is under probate jurisdiction and/or is under the care and responsibility of a child welfare agency is placed in foster care, the child will be permitted to enroll in and attend the appropriate grade in the school selected by the department of human services or a child placing agency without regard to whether or not the child is residing in the district.

H. A nonresident student attending special education programs hosted by the District under Public Act 18.

I. Non-resident students who meet the requirements of the section of this policy entitled "Non-Resident Students Permitted to Enroll."

If a student attends school in the District on the basis of a parent who resides in the District, and that parent leaves the District as a result of being called to active duty in the armed forces of the United States, the student will continue to be regarded as eligible to attend school in the District through the time that the parent is released from active duty in the armed forces.

For purposes of eligibility to attend school, a "legal guardian" is a person appointed by a Probate Court to be a full legal guardian of a student under M.C.L. 700.5204. A person appointed a limited guardian under M.C.L. 700.5205 is not a "legal guardian" for purposes of this regulation.

Upon receipt by the District of information that a child seeking to enroll in the District is or may be homeless or in foster care, the matter shall promptly be referred to the Homeless Education Liaison, who shall ensure that the child and the child's family or caregiver, as applicable, are provided the protections, including privacy protection, required under the McKinney-Vento Act, and shall thereafter proceed to determine whether the child is in fact homeless or in foster care. If the child is determined not to be homeless or in foster care, his or her eligibility for enrollment shall be determined under Article IV of the Board of Education policies and the accompanying administrative guideline.

Proof of Eligibility

At all times, the governing principle is eligibility to attend school in the District, as established by State law, and not merely whether the specific items of proof called for in this Policy have been provided. The District reserves the right to deny enrollment to a student even if the proofs below have been provided, if the evidence shows that the student is not in fact eligible to attend school in the District.

At registration, the parent or legal guardian registering the student will be expected to sign an affidavit of residency and to furnish the following documentation to prove the student's eligibility to attend school in the District:

A. **Category 1:** Student lives with one or both parents or legal guardian who own/rent in the District Standard Proof of Residency:

1. A driver's license or state identification card showing parent or guardian's name and address within the District. And

2. The appropriate documentation as follows:

a. For a homeowner: A warranty deed or quitclaim deed to the property, a closing statement (dated within two (2) months of the date of enrollment), a current property tax bill, or mortgage payment book or statement relating to the property address within the District.

b. For a renter: a signed current lease, a landlord affidavit using the district form; or some other proof of the tenancy acceptable to the District. Note: ownership or lease of property must be for the purpose of a primary residence. Merely owning or leasing a residence within the boundaries of the District does not constitute residency in the District.

c. Legal guardians must also provide a copy of current Probate Court Letters of Guardianship.

3. Any two (2) of the following (showing name of parent/guardian and address within District):

a. gas/electric bill;

b. telephone or cellular phone bill;

c. cable or satellite TV bill;

d. renter's or homeowner's insurance policy;

e. bank or credit card statement;

f. current automobile registration or a current automobile insurance policy or statement.

B. **Category 2:** Parent or legal guardian of the student lives within District boundaries:

Standard Proof of Residency (see Category 1) for the parent or guardian who lives within the District.

C. **Category 3:** Student and parent(s) live with someone else ("host") within the District: All of the following:

1. parent's driver's license, state identification card, or voter registration card showing address within District;
2. verified statement of parent (on District form);
3. verified statement of host (on District form);
4. two (2) current monthly recurring bills (such as credit card, bank statement, cell phone, etc.) addressed to the parent at the host's address.
5. Standard Proof of Residency (see Category 1) for host.

D. **Category 4:** Student placed by parent(s) with a relative residing within the District ("host") for the purpose of providing a suitable home and not for an educational purpose:

All of the following:

1. verified statement of parent (on District form);
2. verified statement of host (on District form);
3. student's driver's license (showing address within District) (if student is sixteen (16) years or older).

Standard Proof of Residency (see Category 1) for host.

E. **Category 5:** Student who is placed in a licensed facility

District Court or other record(s) placing student(s) at such facility.

F. **Category 6:** Homeless student

Proof establishing homelessness, as defined by law, to the satisfaction of theDistrict.

G. **Category 7:** Student who is in foster care.

Proof from the Probate Court or other child welfare agency establishing foster care status to the satisfaction of the District.

H. **Category 8:** Certain special education students under Public Act 18:

Current Individual Education Plan ("IEP") documents as prepared by the student's home school district.

I. **Category 9:** Non-Resident Students Permitted to Enroll:

Non-resident students seeking to enroll under this policy shall provide the documentation necessary to demonstrate their eligibility.

AG IV-2. Non-Resident Students.

Foreign Exchange Students

Each high school may accept a limited number of students from other nations who come to the District from any foreign exchange program on the most current approved list of the National Association of Secondary School Principal's Curriculum Standards for Educational Travel and American Institute for Foreign Study at the discretion of the principal.

Foreign exchange students sponsored by groups other than those identified above may be accepted with the Superintendent's written approval.

Children of Staff Members

Pursuant to MCL §388.1606(6)(j), a child of an employee of the District will be permitted to attend school in the District on a tuition-free basis, under the following conditions:

1. This provision permits the enrollment of a child of a District employee who is a non-resident of the District and is currently employed on a half-time (.5) or greater basis. The term "child" includes step-children, adopted children and wards.

2. Enrollment under this provision must occur prior to the fall student count date (except that a child of an employee hired by the District after the fall student count date may enroll within fourteen (14) days of the commencement of the parent's employment).

3. If the parent's employment with the District terminates or if the parent's employment falls below the half-time threshold during the school year but after the fall student count date, the employee's child will be permitted to complete the school year.

4. Enrollment of a child of an employee will be denied on the basis that the child has been suspended for more than 5 school days or expelled by a previous school or district; has failed to maintain a grade point average of at least 2.0 in a previous school or district, or, if coming from a school where grade point averages are not available, has failed to perform acceptably academically; or whose attendance at a previous school or district does not meet the attendance standards or requirements of this District.

5. A child of an employee will be assigned to a particular school by the District in its discretion. Placement decisions will be made using staffing levels as the primary consideration. When determining the availability of staffing capacity in a building, administration shall use the

currently operative Board of Education direction regarding staffing levels while being careful to provide staffing capacity for future enrollees that live in the schools' attendance area. Upon enrollment at a school in the District, the child will be permitted to remain at that school for subsequent school years unless it is necessary to make adjustments due to such factors as District staffing, student groupings, discipline infractions, or other contingencies. A change in placement will not take place during a school year.

6. Upon completing the highest grade level at the school in which the child is initially placed, the child will be assigned to a school at the next level by the District using the same process and considerations as for the initial placement. If no school is deemed at the time to have sufficient capacity for in-District transfers, the District shall assign the child to the school with the lowest anticipated class size.

Guidelines. **AG IV-6. Student Discrimination and Harassment.**

See AG V-2 for the procedure following complaints by students or others of illegal discrimination, non-sexual harassment or sexual harassment.

AG IV-7. Use of Seclusion and Restraint.

Pursuant to Public Act 395 of 2016, MCL §380.1307a et seq., and Board of Education Policy Article IV, Section 14, the following administrative guidelines are issued to implement the requirements regarding the use of seclusion and physical restraint in the District.

I. Definitions

A. "Chemical restraint" means the administration of medication for the purpose of restraint.

B. "De-escalation techniques" means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.

C. "Documentation" means documentation developed by the department that is uniform across the state.

D. "Emergency physical restraint" means a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. Emergency physical restraint does not include physical restraint that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support. Emergency physical

restraint does not include a practice prohibited under MCL §380.1307b. Emergency physical restraint does not include physical restraint when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

E. "Emergency seclusion" means a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. To qualify as emergency seclusion, there must be continuous observation by school personnel of the pupil in seclusion, and the room or area used for confinement must comply with state and local fire and building codes; must not be locked; must not prevent the pupil from exiting the area if school personnel become incapacitated or leave that area; and must provide for adequate space, lighting, ventilation, viewing, and the safety and dignity of the pupil and others, in accordance with department guidelines. Emergency seclusion does not include the confinement of preschool children or of pupils who are severely self-injurious or suicidal; seclusion that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support; or a practice prohibited under MCL §380.1307b. Emergency seclusion does not include seclusion when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.

F. "Emergency situation" means a situation in which a pupil's behavior poses imminent risk to the safety of the individual pupil or to the safety of others. An emergency situation requires an immediate intervention.

G. "Functional behavioral assessment" means an evidence- and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

H. "Key identified personnel" means those individuals who have received the mandatory training described in MCL §380.1307g(b)(i) to (xvi).

I. "Mechanical restraint" means the use of any device, article, garment, or material attached to or adjacent to a pupil's body to perform restraint.

J. "Physical restraint" means restraint involving direct physical contact.

K. "Positive behavioral intervention and support" means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on pupil need that unites

examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all pupils.

L. "Positive behavioral intervention and support plan" means a pupil-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the pupil, guidance or instruction for the pupil to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

M. "Prone restraint" means the restraint of an individual facedown.

N. "Regularly and continuously work under contract" means that term as defined in MCL §380.1230.

O. "Restraint" means an action that prevents or significantly restricts a pupil's movement. Restraint does not include the brief holding of a pupil in order to calm or comfort, the minimum contact necessary to physically escort a pupil from one (1) area to another, the minimum contact necessary to assist a pupil in completing a task or response if the pupil does not resist or resistance is minimal in intensity or duration, or the holding of a pupil for a brief time in order to prevent an impulsive behavior that threatens the pupil's immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general pupil population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in MCL §380.1310, or to take a weapon from a pupil. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

P. "Restraint that negatively impacts breathing" means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual's back or stomach.

Q. "School personnel" includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school.

R. "Seclusion" means the confinement of a pupil in a room or other space from which the pupil is physically prevented from leaving. Seclusion does not include the general

confinement of pupils if that confinement is an integral part of an emergency lockdown drill required under section 19(5) of the fire prevention code, 1941 PA 207, MCL 29.19, or of another emergency security procedure that is necessary to protect the safety of pupils.

II. Prohibited Practices

The following practices are prohibited for school personnel in the District's public schools under all circumstances, including emergency situations.

A. Corporal punishment, as defined in MCL §380.1312.

B. The deprivation of basic needs.

C. Child abuse.

D. Seclusion, other than emergency seclusion.

E. The intentional application of any noxious substance or stimulus that results in physical pain or extreme discomfort. A noxious substance or stimulus is prohibited whether it is generally acknowledged or is specific to the pupil.

F. Mechanical restraint.

G. Chemical restraint.

H. Any restraint that negatively impacts breathing.

I. Prone restraint.

J. Physical restraint, other than emergency physical restraint.

K. Any other type of restraint.

III. Use of Emergency Seclusion and Emergency Physical Restraint

The following are requirements for using emergency seclusion and emergency physical restraint:

A. Emergency seclusion and emergency physical restraint may be used only under emergency situations and only if essential to providing for the safety of the pupil or safety of another.

B. Emergency seclusion and emergency physical restraint may not be used in place of appropriate less restrictive interventions.

C. Emergency seclusion and emergency physical restraint shall be performed in a manner that, based on research and evidence, is safe, appropriate, and proportionate to and sensitive to the pupil's severity of behavior, chronological and developmental age, physical size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of physical or sexual abuse or other trauma.

D. School personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the pupil or to the safety of others, as soon as possible once the circumstances no longer support such a belief.

E. The District must ensure that substitute teachers are informed of and understand the procedures regarding use of emergency seclusion and emergency physical restraint. This requirement may be satisfied using online training and an online acknowledgment of understanding developed or approved by the department and completed by the substitute teacher.

F. Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended and generally no longer than fifteen (15) minutes for an elementary school pupil or twenty (20) minutes for a middle school or high school pupil. If an emergency seclusion lasts longer than fifteen (15) minutes for an elementary school pupil or twenty (20) minutes for a middle school or high school pupil, all of the following are required:

1. Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.
2. Documentation to explain the extension beyond the time limit.

G. Emergency physical restraint should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended and generally no longer than ten (10) minutes. If an emergency physical restraint lasts longer than ten (10) minutes, all of the following are required:

1. Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.
2. Documentation to explain the extension beyond the time limit.

H. While using emergency seclusion or emergency physical restraint, school personnel must do all of the following:

1. Involve key identified personnel to protect the care, welfare, dignity, and safety of the pupil.

2. Continually observe the pupil in emergency seclusion or emergency physical restraint for indications of physical distress and seek medical assistance if there is a concern.

3. Document observations.

4. Ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency physical restraint does not interfere with the pupil's ability to communicate using the pupil's primary mode of communication.

5. Ensure that at all times during the use of emergency seclusion or emergency physical restraint there are school personnel present who can communicate with the pupil using the pupil's primary mode of communication.

IV. Documentation and Reporting of Seclusion and Restraint

The following documentation and reporting are required for the use of any seclusion and restraint:

A. Each use of seclusion or restraint and the reason for each use shall be documented in writing and reported in writing or orally to the school building administration and the pupil's parent or guardian immediately and documented in a written report for each use of seclusion or restraint, including multiple uses within a given day, with this written report provided to the parent or guardian within the earlier of one (1) school day or seven (7) calendar days.

B. After any use of seclusion or restraint, school personnel must make reasonable efforts to debrief and consult with the parent or guardian, or with the parent or guardian and the pupil, as appropriate, regarding the determination of future actions. The debriefing and consultation shall be done in accordance with department guidelines and documented on forms developed by the department.

C. If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel are encouraged to do all of the following:

1. Conduct a functional behavioral assessment.
2. Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.
3. Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for implementation of

the positive behavioral intervention and support plan; and individuals knowledgeable in positive behavioral intervention and support.

V. Development and Implementation of Emergency Intervention Plans

The following requirements apply if it becomes necessary to develop and implement an emergency intervention plan:

A. If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel should develop a written emergency intervention plan to protect the health, safety, and dignity of the pupil. The emergency intervention plan should be developed in partnership with the parent or guardian by a team that includes a teacher, an individual knowledgeable about the legally permissible use of emergency seclusion and emergency physical restraint, and an individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of seclusion and restraint. The emergency intervention plan should be developed and implemented by taking all of the following documented steps:

1. Describe in detail the emergency intervention procedures.
2. Describe in detail the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
3. Make inquiry to the pupil's medical personnel, with parental consent, regarding any known medical or health contraindications for the use of emergency seclusion or emergency physical restraint.
4. Conduct a peer review by knowledgeable school personnel.
5. Provide the parent or guardian with all of the following, in writing and orally:

a. A detailed explanation of the positive behavioral intervention and support strategies that will be utilized to reduce the risk of the pupil's behavior creating an emergency situation.

b. An explanation of what constitutes an emergency situation as defined in section 1307h of the Michigan revised School Code, MCL 380.1307h, including examples of situations that would fall within the definition and situations that would fall outside the definition.

c. A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion and emergency physical restraint.

d. A detailed explanation of the legal limits on the use of emergency

seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.

e. A description of possible discomforts or risks.

f. Answers to any questions.

B. A pupil who is the subject of an emergency intervention plan should be told or shown the circumstances under which emergency seclusion or emergency physical restraint could be used.

C. Emergency seclusion or emergency physical restraint must only be used in response to an ongoing emergency situation and not as a planned response for the convenience of school personnel, as discipline or punishment, or as a substitute for an appropriate educational program. The development of an emergency intervention plan shall be solely for the purpose of protecting the health, safety, and dignity of the pupil and does not expand the legally permissible use of emergency seclusion or emergency physical restraint.

VI. Requirements for Data Collection

The following data must be collected in connection with the use of any seclusion and restraint:

A. The District program in which pupils are enrolled, in accordance with department guidelines, shall collect and report data on and related to the use of restraint and seclusion in the District. In collecting and reporting this data, the District shall use existing data collection and reporting systems whenever possible. Incidents of use shall, at a minimum, be reported by race, age, grade, gender, disability status, medical condition, identity of the school personnel initiating the use of the restraint or seclusion, and identity of the school or program where the use occurred.

B. All of the following should occur with respect to the data collected under subdivision A.:

1. The data should be analyzed by the District in which the pupil is enrolled to determine the efficacy of the school's school wide system of behavioral support.

2. The data should be analyzed by the school and District in the context of attendance, suspension, expulsion, and dropout data.

3. The data should be analyzed by the school and District for the purposes of continuous improvement of training and technical assistance toward the elimination of seclusion and restraint.

4. The data should be analyzed by the school and the District on a schedule determined by the department.

5. The data should be reported electronically to the department in accordance with department guidelines by the District.

C. The department shall make available redacted, aggregate data on the reported use of seclusion and restraint, compiled by the District on a quarterly basis.

VII. Training

A. In accordance with department guidelines, the District shall implement a comprehensive training framework that includes awareness training for all school personnel who have regular contact with pupils and comprehensive training for key identified personnel as described in subdivision B.

B. The District shall identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with pupils, key identified personnel who may have to respond to an emergency situation shall be trained in all of subparagraphs 1. to 16. as follows and should be trained in all of subparagraphs 17. to 20. as follows:

1. Proactive practices and strategies that ensure the dignity of pupils.
2. De-escalation techniques.
3. Techniques to identify pupil behaviors that may trigger emergency situations.
4. Related safety considerations, including information regarding the increased risk of injury to pupils and school personnel when seclusion or restraint is used.
5. Instruction in the use of emergency seclusion and emergency physical restraint.
6. Identification of events and environmental factors that may trigger emergency situations.
7. Instruction on the state policy on the use of seclusion and restraint.
8. Description and identification of dangerous behaviors.

9. Methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted.
10. Types of seclusion.
11. Types of restraint.
12. The risk of using seclusion or restraint in consideration of a pupil's known and unknown physical or mental health conditions or psychological limitations.
13. The effects of seclusion and restraint on all pupils.
14. How to monitor for and identify the physical signs of distress and the implications for pupils generally and for pupils with particular physical or mental health conditions or psychological limitations.
15. How to obtain appropriate medical assistance.
16. Cardiopulmonary resuscitation and first aid.
17. Conflict resolution.

18. Mediation.
19. Social skills training.
20. Positive behavioral intervention and support strategies.

AG IV-15. Search and Seizure

The following administrative guidelines are issued to implement the requirements of the Board's Search and Seizure Policy, Article IV, Section 15, in the District.

Basis of Search

If a school administrator has a reasonable suspicion that a student has violated, or is in possession of an object which violates, either a specific law or a specific school policy, and that a search of the student can reasonably be expected to produce evidence of the student's violation, the administrator may conduct a search of the student and/or the student's possessions (including, without limitation, a vehicle if parked on school property). The administrator's reasonable suspicion may be based on any information received by the administrator, including information conveyed by a member of the faculty or staff, or by one or more student(s).

Search Procedure

The search may take place in the office of the administrator or in another place in the school building adequate to protect the student's privacy. Prior to the search, the student shall be advised of the reason(s) that the search is being requested. The student shall then be requested to empty items from pockets, purses, shoulder bags, backpacks, or briefcases, etc. Pat-down searches should not be conducted as a matter of course. No strip searches shall be conducted by District personnel or on school premises. All searches shall be carried out in the presence oftwo staff members. Items obtained in the search which the administrator believes are evidence of a violation of law or school policy shall remain in the custody of the administrator, unless such items are turned over to law enforcement officials, and if this is done, the administrator shall request a receipt for such item so delivered.

Searches of Students While on School Field Trips

Participants in school-sponsored off-campus field trips shall be required to provide permission forms signed by a parent or guardian of the student. Such forms shall, among other things, provide for consent to searches of the student and/or the student's possessions by an administrator (including the staff members and the person in charge of the field trip) in accordance with the requirements of this regulation.

Documentation of Search Incident

An electronic report of each search incident shall be made by the administrator. A copy of the record shall be available to the parents/guardian of the student upon request. The record shall contain the name of the student; the time, date, and place of the search; the reason(s) for the search; the nature

and method of search; the extent of law enforcement officials' involvement, if any; the name of the person who conducted the actual search; the name(s) of the person(s) present while the student was being searched, and the result of the search, including a list of items, if any, confiscated from the student.

Refusal by Student to Permit a Search

A student's refusal to comply with a valid search request shall be treated as insubordination under the Student Code of Conduct. If the student refuses to comply with the search request, the administrator shall notify the student's parents/guardian and may request that they come to the school and/or attempt to persuade the student to comply with the search request. If the administrator believes that circumstances warrant involvement of law enforcement officials, such officials may be contacted and requested to come to the school. Any further search of the student shall be at the discretion and under the control of the law enforcement officials. If a search by a law enforcement official takes place on school property,the building administrator will attempt to contact the student's parent/guardian and will request to remain present if the parent/guardian is not available..

Alcohol Testing

In accordance with the provisions of the Student Code of Conduct, if an administrator has reasonable suspicion that a specific student who is on school grounds, in or around a school provided vehicle, or at a school-sponsored activity or trip, has consumed alcoholic liquor or illegal drugs, the administrator may require the student to submit to testing using an appropriate

testing device, including, without limitation, a preliminary chemical breath test instrument. The results of such a test may be used in determining disciplinary action, if any, to be taken against the student. The taking of such a test shall not be a condition precedent to discipline for alcohol consumption.

Building administration may conduct random alcohol testing of students attending school events, such as dances, whether such events are on school property or off, using a "spit stick" or other device.

A student's refusal to comply with a valid request for alcohol or drug testing shall be treated as insubordination under the Student Code of Conduct. If an administrator believes that circumstances warrant involvement of law enforcement officials, such officials, may be contacted and requested to come to the school. Any further testing of the student shall be at the discretion and under the control of law enforcement officials.

Lockers are School Property

All lockers in school buildings, whether assigned to students or unassigned, are the property of the District. At no time does the District relinquish its exclusive control of its lockers. The District has assigned to the school principal the supervision and control of the lockers in each school. The principal shall have custody of the combination or key to all locker locks, which shall be stored in a

place and manner designed to guard against unauthorized access or use. Only regularly issued school locks may be used on school lockers.

Legitimate Use of School Lockers

Lockers are assigned to the students for the students' convenience and temporary use. Students may use lockers exclusively for the storage of school-related materials, such as books and school supplies, and for the storage of authorized personal items, such as outer garments, footwear, grooming aids, or lunch. Student shall not use the lockers for any other purpose, unless specifically authorized in advance by Board policy or an administrator. Students are solely responsible for the contents of their lockers, and should neither share their lockers with other students nor divulge their locker combinations to other students, unless authorized by an administrator.

Searches of Lockers by School Staff

Consistent with District ownership of the lockers, an administrator may search any locker at his/her discretion while respecting the student's privacy and dignity.

The administrator is not required, but may request the assistance of a law enforcement officer in conducting a locker search. If law enforcement assistance is provided, the administrator and another staff member shall observe the search. In the course of a locker search, the administrator shall respect the privacy rights of the student whose locker is being searched with respect to items that are not illegal or against school policy or rules.

Seizure of Locker Contents

When conducting a locker search, the administrator may seize any illegal or unauthorized items, items in violation of school policies or rules, or any other items reasonably determined to be a potential threat to the safety or security of others. Such items include, without limitation, firearms, explosives, other dangerous weapons, flammable material, illegal controlled substances or controlled substance analogues, alcohol, tobacco products, illegal drugs, other contraband, poisons, and stolen property. Law enforcement officials shall be notified promptly upon seizure of such dangerous or illegal items, or seizure of items that schools are required to report to law enforcement agencies under the Statewide School Safety Information Policy. Any items seized by an administrator shall be removed from the locker and held for evidence in disciplinary proceedings, turned over to law enforcement agencies, or, if appropriate, turned over to the parent or guardian of the student (or the student if over eighteen (18)) for immediate removal from school property. The parent or guardian of a minor student, or a student eighteen (18) years of age of older, shall be notified by the administrator of items removed from the student's locker.

Searches of Lockers by Others

No person other than an administrator shall be permitted to search a student's locker without an administrator's consent, unless such person has a valid search warrant authorizing such search. Any

person who wishes to search a student's locker shall report to an administrator before proceeding to the locker. If a law enforcement officer has a warrant to search a student's locker, an administrator shall immediately escort such officer to the student's locker and permit the search to occur. Such searches shall be made in the presence of an administrator and another staff member.

If a law enforcement officer desires to search a student's locker without a warrant, an administrator, consistent with the District's ownership of the locker, may consent to such search. Prior to doing so, however, the administrator shall ask the officer for the basis for the search request, and, if not satisfied that an acceptable basis exists, may decline the request for a search. The administrator shall report to the Superintendent with respect to all locker searches undertaken as a result of a search warrant, all locker searches undertaken upon consent given to a law enforcement officer without a warrant, and all instances where a law enforcement officer's request to search a locker is declined.

Searches Using Canines

The Board authorizes the use of canines, trained in detecting the presence of drugs or devices, such as bombs, in either of the following situations:

A. When the Superintendent or designee has reasonable suspicion that illegal drugs or devices may be present in a school.
B. In a random, unannounced sweep for illegal drugs or devices, but only with the advance authorization of the Superintendent or designee.

Canine detection shall be used only to determine the presence of drugs in locker areas and other places in the school where such substances could be concealed except as limited below. Canine detection must be conducted in collaboration with law enforcement authorities or other certified

organizations and is not to be used to search students unless either a warrant or parental permission has been obtained prior to the search.

Authorization to use specially-trained dogs is made under the following conditions:

A. The presence of the dogs on school property must be authorized, in advance, by the Superintendent or be pursuant to a court order or warrant.
B. The dog must be handled by a law enforcement officer or a contracted person specially trained to safely and competently work with the dog.
C. The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices, or, in the case of a random sweep, the Chief of the local law enforcement agency coordinating the sweep.
D. The dog will be allowed to examine a student's possessions, including vehicles, parked on school property. Students' vehicles parked off school property are not under the authority or control of school officials, and thus school officials should not be involved in searches of such vehicles.
E. The dog may be allowed to examine school property such as lockers as permitted by a building administrator. Any limitation as to areas of school property to be examined by the dog shall be established by the building administrator at the time the use of dogs is authorized.

F. In the case of a random sweep, the areas to be examined shall be determined by an administrator and the lead police agency prior to the sweep, and shall generally include common areas of the school as well as lockers, but excluding classrooms except under conditions described in G below.

G. An administrator may permit examination of classrooms, including student possessions in those classrooms, so long as the students themselves have been removed from the classroom prior to the canines' entrance to that classroom, and only if there is reasonable suspicion that illegal drugs or devices may be present in that classroom.

AG IV – 18. Interscholastic Athletics

Participation in interscholastic athletics is a privilege, not a right. Athletic team members are subject at all times to the provisions of the Athletic Code of Conduct at all times, both on and off the athletic field, will be of the highest standards.

The building principal shall assign responsibility for interscholastic athletics within each building to an athletic director. Coaches shall be chosen by the athletic director, with the approval of the principal. Coaches are evaluated annually for each sport coached based not only upon games won and lost, but also upon their positive effect upon the development of the character of the athletes and their attitude towards the school, the team, and all teammates.

The District is a member of the Michigan High School Athletic Association (MHSAA), and will participate in such approved inter-school athletics activities sponsored by said association as selected by the athletic directors for each school. As directed by Article II, Section 13 of the Board Policies, the District has adopted the eligibility standards established in the Constitution of the MHSAA. Membership of the schools in the District in interscholastic athletic conferences or leagues shall be subject to Board of Education approval upon recommendation of the Superintendent.

Budgets for athletics shall be a part of the budgeting process and shall be approved by the Superintendent and Board.

No student may participate on any athletic team until he or she has been examined and approved by a medical doctor for competition, and until written consent to participate in the specific sport has been obtained from the parent/guardian. Parent consent will not be necessary for students who have reached their eighteenth birthday. Students shall also comply with any District requirements regarding insurance. A student who has been restricted from participating by a physician due to an illness, injury, or medical condition shall not participate in an athletic practice or contest without written permission from the physician to return.

AG IV-19. Extra-Curricular Activities; Code of Conduct.

Board of Education Policy Article IV, Section 18 directs the Superintendent to publish an Athletic Code of Conduct, and authorizes the Superintendent to extend the provisions of the Athletic Code of Conduct to all extra-curricular activities. The Superintendent has concluded that participants in all extra-curricular activities, including athletic, should be subject to the same expectations and requirements.

AG IV-20. Medications

I. USE OF MEDICATIONS GENERALLY

In Article IV, Section of 20 of its Policies, the Board has adopted as the policy of the district the provisions of the State of Michigan Model Policy for Administering Medications to Pupils at

Schools, with several local revisions and clarifications. The Board has further directed administration to publish the Model Policy as an Administrative Guideline, and to adopt and publish any amendments to the Model Policy.

Definitions

The following definition of "medication" is adopted for use in this district: "medication" includes prescription, non-prescription and herbal medications, and includes those taken by mouth, by inhaler, those that are injectable, and those applied as drops to eyes, nose, or medications applied to the skin.

For the purpose of this guideline, the term "physician" means any health care provider licensed by the State of Michigan to prescribe medications.

Standard Procedures for Administration of Medications to Pupils in School

A. The pupil's parent/guardian will give the school written or electronic permission and request to administer medication(s) to their pupil.

B. Written instructions from a physician, which include the name of the pupil, name of the medication, dosage of the medication, route of administration, and time the medication is to be administered to the pupil shall accompany the request and be kept on record by the school. Physician’s instructions on a prescription bottle will be sufficient when the physician has previously provided a blanket approval for all prescriptions issued by the physician or another member of his or her practice.

C. Parental or guardian request/permission and a physician's instructions for administration shall be renewed every school year.

D. The building administrator will designate an individual(s) responsible for administering medications to pupils at that school.

E. Medications must be administered by one adult in the presence of a second adult, except where the individual administering the medication is a licensed nurse (as described in the Michigan Revised School Code, Section 380.1178), or when an emergency threatens the life or health of the pupil.

F. Each building shall have a plan for handling medical emergencies to be reviewed annually.

G. Students with disabilities who have an Individualized Educational Program (IEP) or Section 504 Plan shall be included under the policy and procedures that govern the administration of medications. Note: The policy and procedures should not violate either the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.

Guidelines for Administration of Medications to Pupils in School

A. A building administrator may set a reasonable designated time for the administration of medications. The parent/guardian shall be informed of this designated time and communicate this to the physician when s/he writes medication administration instructions. The school may request that the physician send a written explanation with the medication administration instructions to the school if an exception to the school's designated time is necessary.

B. A building administrator shall request that a pharmacy supply the medication in the exact dosage prescribed so that the individual administering medications is not responsible for dividing/splitting doses.

C. Any adverse reaction to medication, as described on the physician's written instructions, shall be reported to the pupil's parent/guardian immediately.

D. Any errors made in the administration of medications shall be reported to the building administrator immediately, and a written report completed and entered into the pupil's school record. The building administrator is responsible for reporting the medication error to the pupil's parent/guardian immediately.

E. When it is necessary for a pupil to have medication administered while on a school sponsored field trip or off-site activity, the individual designated to administer medication must carry the medication in the original container, and record the necessary information on the medication log upon return from the trip/activity.

School Staff Training

A. All individuals designated to administer medication are encouraged to receive in service training on all district policies and procedures related to this responsibility. School staff must be trained by a licensed registered professional nurse, physician, or physician assistant who has knowledge of local school medication policies and procedures.

B. In-service training is recommended to be four hours in length, and include actual "hands-on" practice in identifying and dispensing medications. Individuals, with the exception of a licensed registered professional nurse, who are responsible for administering any medications that must be given by injection, by nebulizer, or administered rectally, vaginally, or into the bladder, must receive one-to-one training by a licensed health professional.

C. Documentation that school personnel have completed in-service training shall be maintained by the school and made available, upon request, to a pupil's parent/guardian, physician, licensed registered professional nurse, or by a school district official.

Training Guidelines

Training for all individuals who are designated to administer medications to pupils in the district shall include all of the following content and skill practice:

A. A review and discussion of all Michigan and federal laws pertaining to the administration of medications to pupils in schools, including discussion of confidentiality issues.

B. A review and discussion of all policies and procedures relating to medications in schools including areas of responsibility of school administrators, individuals designated to administer medications (i.e., secretaries, aides, teachers, bus drivers, parents), and medical professionals (i.e., physicians, physician assistants, nurses).

C. Identification of the forms related to the administration of medications in schools.

D. Safe storage and handling of medications in school including procedures for receiving and disposing of medications.

E. The use, effect, and route of administration of the most commonly prescribed medications in schools, including adverse effects.

F. Procedures for safely dispensing medications to pupils in schools, on field trips, and other off-site school activities.

G. Practice in identifying and dispensing medications to pupils.

H. Policies and procedures related to pupil self-administration and self-possession of medication in schools.

I. Review and practice recording administration of medications.

J. Review and discuss procedures for dealing with medication administration errors.

Storage and Access to Medications Administered to Pupils in School

A. All medication shall be kept in a labeled container as prepared by a pharmacy, physician, or pharmaceutical company with the pupil's name, the name of the medication, dosage, and the frequency of administration.

B. Medications shall be stored in a school location that is kept locked.

C. Emergency medications may be stored in an area readily accessible to the individual designated to administer them.

D. All controlled-substance medications[1] will be counted and recorded upon receipt from the parent/guardian. The medication shall be recounted on a regular basis (monthly or bi-weekly) and this count reconciled with the medication administration log/record.

E. It is recommended that medications be brought to the school by the pupil's parent or guardian.

F. No changes to medication dosage or time of administration will be made except by instruction from a physician.

G. Parental or guardian request/permission and a physician's instructions for administration of medications shall be renewed every school year.

H. Expiration dates on prescription medication, epi-pens, and inhalers shall be checked at least twice each school year.

I. Medication left over at the end of the school year, or after a pupil has left the district, shall be picked up by the parent/guardian. If this is not done, the individual who administers the medication will dispose of the medication and record this disposal on the medication log. This procedure shall be witnessed and initialed by a second adult.

Record-Keeping Related to Medications Administered to Pupils in School

A. A log of medication administration shall be kept in a school office and filed in a pupil's permanent record at the end of each school year (see sample Medication Administration Daily Log document).

B. The individual pupil log and all documentation provided in connection with Policy Article IV Section 20 shall be retained for three years after the pupil graduates or otherwise leaves the district, or until the pupil’s 19th birthday, whichever is later.

C. The medications log shall include the pupil's name and the name and dosage of the medication. The individual giving the medication shall record the date and time of administration of the medication. The log shall be signed and witnessed by a second adult.

D. If an error is made in recording, the individual who administered the medication shall cross out, initial the error, and make the correction in the log.

[1]Controlled-substance is defined as a drug regulated by the Federal Controlled Substances Acts, including opiates, depressants, stimulants, and hallucinogens.

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Student Self-Administration and Self-Possession of Medications.

"Self-administration" means that the pupil is able to consume or apply prescription and non-prescription medication in the manner directed by the physician without additional assistance or direction.

"Self-possession" means that the pupil may carry medication on his/her person to allow for immediate and self-determined administration.

A. A pupil whose parent/guardian and physician provide written permission will be able to self-administer and self-possess his/her own medications.

B. A medication that a pupil possesses must be in its original packaging, labeled and prepared by a pharmacy or pharmaceutical company, and to include the dosage and frequency of administration.

C. A pupil's use cannot be denied if the conditions of written permission and physician direction are met. A building administrator may discontinue a pupil's right to self-administer and self-possession if there is misuse by the pupil. The denial shall follow a consultation with the parent/guardian.

D. For example, a pupil who requires the use of an inhaler for relief or prevention of asthma symptoms will be allowed to carry and use the inhaler if there is written approval from the pupil's physician and parent/guardian on record at the school (as described in the Michigan Revised School Code, Section 380.1179). A pupil who is in possession of an inhaler under the above conditions shall have each of his/her teachers notified of this by the building administrator.

Parental or guardian request/permission and a physician's instructions for a pupil to self-administer and self-possess medication shall be renewed every school year.

II. RESPONDING TO AN ANAPHYLAXIS EMERGENCY AT SCHOOL

Definition

Anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death. A variety of allergens can cause anaphylaxis, but the most common are food, insect bites, medications, and latex. Anaphylaxis typically begins within minutes or even seconds of exposure. Initial emergency treatment is the administration of injectable epinephrine along with immediate summoning of emergency medical personnel and emergency transportation to the hospital. These guidelines are intended to help schools respond to the challenge of an emergency anaphylaxis situation.

Individuals with Known Allergies

For students who have a known severe allergy:

A. The provisions and requirements of the District's existing policy regarding self-possession and self-administration of prescription medications also apply to epinephrine.

B. All students who have had a prior anaphylactic reaction or have otherwise been identified as at-risk for having a severe allergic reaction should have this addressed specifically in an individualized health care plan. The parent/guardian of a student with known allergies that may be severe enough to cause anaphylaxis should be requested to provide the school with student-specific medical orders, a medical management plan at the start of the school year or upon the student's transfer to the school.

C. At the start of the school year or upon transfer to the school, parent/guardian of a student with known allergies that may be severe enough to cause anaphylaxis should provide the school with student-specific medical orders, a medical management plan, and their own supply of epinephrine.

D. The parent/guardian of a student with a known serious allergy may be requested to provide an extra epinephrine auto-injector or asthma inhaler to the school for use by authorized personnel in case of emergency.

E. a school official will notify each of the student's teachers when aware that a student is in valid possession of an epinephrine auto-injector or asthma inhaler in accordance with the school's medication policies.

Individuals without Known Allergies.

For students, staff, and any other individual on school grounds:

A. As required by state law, every school building shall maintain a stock of at least two (2) epinephrine auto-injector devices at all times regardless of whether or not any student/staff have been diagnosed with allergies.

B. Each school should determine the appropriate dose of epinephrine auto-injector based on their student school population. (i.e., Junior or Adult).

C. Each school building with ten (10) or more instructional and administrative staff will designate at least two (2) employees at the school for authorization to administer an epinephrine auto-injector. Schools with fewer than ten (10) staff will designate at least one (1) such employee. Licensed, registered professional nurses who are employed or contracted by the school to be present during regular school hours may be considered authorized personnel.

D. Each school shall maintain documentation of the training course(s) successfully completed by each employee who is authorized to administer epinephrine and make such documentation available upon request.

E. Schools are encouraged to train and authorize more than the legally required minimum number of school staff to administer epinephrine. All school staff should have a basic awareness of the major signs of anaphylaxis and know whom to alert in case of an emergency and where the stock epinephrine auto-injectors are located.

F. Each school shall designate a staff member who shall check the expiration dates of the stock auto-injector devices at least twice per year. Expired stock shall be discarded in a biohazard sharps container or locate a needle disposal facility and replace any device past its expiration date.

Training Guidelines for Staff on Allergies, Anaphylaxis, and Emergency Response.

The training program for non-nursing staff designated to use an epinephrine auto-injector shall be conducted under the supervision of, and shall include evaluation by a licensed, registered professional nurse. The training shall include:

A. Instruction on the provisions of state laws regarding the emergency use of epinephrine at school for situations of a suspected life-threatening anaphylaxis reaction.

B. Instruction on the District's or School's medications policies and procedures.

C. Orientation to the causes, signs, symptoms, and treatment of anaphylaxis and the anticipated effects and possible adverse effects of epinephrine.

D. Demonstration and instruction using realistic auto-injector models.

E. Skill-based practice using epinephrine auto-injectors in simulated anaphylaxis emergency response situation.

F. Development and implementation of an emergency anaphylaxis response plan of action.

G. Instruction on the procedures for informing emergency contacts, completing a school incident report, and notifying parent/guardian of a student to whom an epinephrine auto-injector has been administered.

H. Instruction on the procedures regarding epinephrine acquisition, expiration date monitoring, maintenance, and storage requirements.

I. A licensed, registered professional nurse is responsible for providing and the supervision of the training which shall include a training evaluation. Documentation of the training competency assessment should be provided to the school demonstrating that the employee was adequately trained.

The attached Sample Protocol for Responding to Anaphylaxis is provided for guidance only, and does not replace the requirement for formal staff training in accordance with this Guideline.

Storage of Epinephrine Auto-Injectors and Additional Materials

A. All epinephrine auto-injectors should be stored according to manufacturer's directions to maintain effectiveness and in a clearly labeled, unlocked, easily accessible cabinet at room temperature (between 59-86 degrees F).

B. Expiration dates on epinephrine auto-injectors should be monitored and documented on an appropriate log. The shelf-life of an epinephrine auto-injector is approximately twelve (12) to eighteen (18) months.

C. The fluid in an epinephrine auto-injector should be clear and colorless. If the fluid has turned brown or is cloudy, the auto- injector should be discarded. Auto injectors should not be exposed to sunlight, heat, cold, or freezing temperatures.

D. Additional materials associated with responding to suspected anaphylaxis should be stored with the epinephrine auto- injectors (e.g., copy of anaphylaxis emergency response plan with emergency contact numbers, school incident report, etc.).

School and School District Reporting

At least annually, the District is required to report to MDE all instances of administration of an epinephrine auto-injector to a student at any school in the District. Each school shall therefore report the required information to the District administration on an annual basis, at a time established by administration. Each school shall report the following:

A. The number of instances of administration of an epinephrine auto-injector to a student at the school in a school year.

B. The number of students who were administered an epinephrine auto-injector at school that were not previously known to be severely allergic.

C. The number of students who were administered an epinephrine auto-injector at school using the school's stock of epinephrine auto-injectors.

Immunity/Liability

Under state law, an authorized school employee who in good faith administers an epinephrine auto-injector is immune from criminal charges or civil damages unless an act or failure to act was due to gross negligence or willful and wanton misconduct.

SAMPLE PROTOCOL FOR RESPONDING TO ANAPHYLAXIS

Please note this does not replace formal staff training but rather is guidance only.

Responding to Anaphylaxis – CALL 911

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A. Based on symptoms; determine that an anaphylactic reaction appears to be occurring. Look for a medical alert bracelet or necklace. Act quickly. It is safer to give epinephrine than to delay treatment. Anaphylaxis is a life-threatening reaction.

B. If you are alone and are able to provide epinephrine, call out or yell for help as you immediately go to get the epinephrine. Do not take extra time seeking others until you have provided the epinephrine.

C. If you are alone and do not know how to provide epinephrine, call out or yell for help. If someone is available to help you, have them get the personnel trained to provide epinephrine and the epinephrine while you dial 911 and follow the dispatcher's instructions. Tell the 911 operator that anaphylaxis is suspected and epinephrine is available. Your goal is to get someone -- trained school staff, or emergency medical staff (EMS) – to provide epinephrine and care as soon as possible.

D. Select appropriate dose of epinephrine auto-injector to administer, based on weight.

1. **Dosage:** Junior 0.15 mg epinephrine auto-injector if estimated weight is between thirty-three (33) and sixty-six (66) pounds; Regular 0.30 mg epinephrine auto-injector if estimated weight is sixty-six (66) pounds or greater.

2. **Frequency:** If symptoms persist or return, a second dose should be administered five (5) to fifteen (15) minutes after first dose.

E. Inject epinephrine via auto-injector:

1. Pull off safety release cap.

2. Place gently on the upper, outer thigh and push firmly (through clothing if necessary).

3. Hold in place for ten (10) seconds (five (5) seconds if using Auvi-Q) to deliver medication and then remove.

4. Massage the area for ten (10) seconds. Note the time.

F. Keep the individual either lying down or seated. Watch for vomiting or choking. If they lose consciousness, check if they are breathing. If breathing, position on side and continue to monitor. If not breathing, begin cardiopulmonary resuscitation (CPR), call out for help.

G. Call school nurse/front office school personnel and advise of situation.

H. Provide EMS with epinephrine auto-injector labeled with name, date, and time administered to transport to the emergency room with the student.

Follow up (to be done the day of the event):

A. Notify parent/guardian as soon as possible and advise them to let the student's primary care physician know about the episode of suspected anaphylaxis.

B. Complete required documentation of incident [school incident report, Michigan Electronic Grants System Plus (MEGS+) report].

C. Order replacement epinephrine auto-injector(s) from central office.

OPIOID ANTAGONISTS

Definitions

An opioid antagonist is naloxone hydrochloride or any other similarly acting and equally safe drug approved by the U.S. Food and Drug Administration for the treatment of drug overdose.

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

Use of Opioid Antagonists

Each high school in the District shall have at least two employees who have been trained in the appropriate use and administration of an opioid antagonist. The training shall be done in a manner that has been approved by a medical professional. Only an appropriately trained school employee may possess and administer an opioid antagonist.

Each high school in the District shall possess at least one package of an opioid antagonist on site. The opioid antagonist may be administered by a trained school employee to a student or other individual on school grounds who is believed to be having an opioid-related overdose.

Any school personnel who have reason to believe that a student is having an opioid-related overdose must call 911.

Any person who administers an opioid antagonist to a student shall promptly notify an administrator, who shall be responsible for promptly notifying the student's parent/guardian that an injection has been administered.

The person who notifies the student's parent/guardian must encourage the parent or guardian to seek treatment for the student from a substance use disorder services program.

Storage of Opioid Antagonists

All opioid antagonists should be stored according to the manufacturer's directions to maintain effectiveness and in a clearly labeled, unlocked, easily accessible cabinet in a supervised location, preferably in the same location as other rescue medications.

Expiration dates on the opioid antagonist should be monitored and documented on an appropriate log at a minimum of two times per year.

Additional materials associated with responding to suspected opioid-related drug overdose should be stored with the opioid antagonist (*e.g.*, a copy of the suspected opioid-related overdose emergency response plan, school incident report).

Obtaining an Opioid Antagonist

Any local community prescriber can write a prescription for an opioid

antagonist. Reporting

At least annually, a school district shall report to the Michigan Department of Education all instances of administration of an opioid antagonist to a pupil at school. The reporting shall include the number of pupils who were administered an opioid antagonist at school using the school's stock of opioid antagonists.

AG IV-21. Personal Communications Devices

Definition

A "personal communication device" or PCD is a privately owned device that is used for audio, video or text communications. PCDs include, but are not limited to, computers, tablets (*e.g.*, iPads and similar devices), electronic readers ("e-readers"; *e.g.*, Kindles and similar devices), cell phones (*e.g.*, mobile/cellular telephones, smartphones (*e.g.*, BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.), telephone paging devices (*e.g.*, beepers or pagers), and/or other web- enabled devices of any type.

Use of PCDs

As established by Board Policy, PCDs may not be used during instructional times. Students may use PCDs according to their building's student handbook and/or directed by a teacher or other staff member for education purposes. Use of PCDs, except those approved by a teacher or administrator, at any other time is prohibited. When not permitted to be used, PCDs must be powered completely off (*i.e.*, not just placed into vibrate or silent mode) and stored out of sight.

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Students may not use PCDs on school property or at a school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school.

Students may use PCDs while riding to and from school on a school bus or other Board-provided vehicles or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, classroom teacher sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

Except as authorized by a teacher, administrator or IEP team, students are prohibited from using PCDs during the school day, including while off-campus on a field trip, to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. Students who violate this provision and/or use a PCD to violate the privacy rights of another person may have their PCD confiscated and held. If the violation involves potentially illegal activity the PCD may be confiscated and turned-over to law enforcement.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes.

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being bullied, threatened, humiliated, harassed, embarrassed or intimidated. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

Possession of a PCD by a student at school during school hours and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. If a PCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves

potentially illegal activity, in which case the PCD may be turned-over to law enforcement. A confiscated device will be held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned-over to law enforcement. If multiple offenses occur, a student may lose his/her privilege to bring a PCD to school for a designated length of time or on a permanent basis.

Students are personally and solely responsible for the care and security of their PCDs. The District assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

Article V: Personnel

AG V-2. Non-Discrimination and Anti-Harassment Procedures.

I. NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

Board Policies III-17 and V-2 prohibit discrimination in the District on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected characteristic in its programs and activities, including employment opportunities. This guideline shall be used to ensure that the District's non-discrimination policies are implemented properly and in compliance with Federal and State laws and regulations. Harassment generally and Sexual Harassment are addressed in subsections II and III of this guideline, respectively.

Civil Rights Coordinators

Administration designates the following individuals to serve as Civil Rights Coordinators for the District.

[Recommend two coordinators, preferably one male and one female].

Complaints of Discrimination

Any person who believes that s/he has been discriminated against or denied equal opportunity or access to programs or services may file a complaint, which shall be referred to as a grievance, with one of the District's Civil Rights Coordinators.

The person who believes s/he has a valid basis for grievance shall discuss the grievance informally and on a verbal basis with one of the District's Civil Rights Coordinators, who shall, in turn, investigate the complaint and reply with an answer to the complainant. The complainant may initiate formal procedures according to the following steps:

Step 1

A written statement of the grievance signed by the complainant shall be submitted to the District's Civil Rights Coordinator within five (5) business days of receipt of answers to the informal complaint. The Coordinator shall further investigate the matters of grievance and reply in writing to the complainant within five (5) business days.

Step 2

If the complainant wishes to appeal the decision of the District's Civil Rights Coordinator, s/he may submit a signed statement of appeal to the Superintendent within five (5) business days after receipt of the Coordinator's response. The Superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) business days.

Step 3

If the complainant remains unsatisfied, s/he may appeal through a signed written statement to the Board of Education within five (5) business days of his/her receipt of the Superintendent's response in step two. In an attempt to resolve the grievance, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting.

Step 4

If at this point the grievance has not been satisfactorily settled, further appeal may be made to the U.S. Department of Education, Office of Civil Rights, 600 Superior Avenue, Room 750, Cleveland, Ohio 44114-2611. Inquiries concerning such an appeal may be directed to: Director, Office for Civil Rights, Department of Education, Washington, D.C. 20201.

The District Coordinators will provide a copy of the District's grievance procedure to any person who files a complaint and will investigate all complaints in accordance with this procedure.

II. **ANTI-HARASSMENT (NON-SEXUAL)**

This section of the guideline shall be used to ensure that the anti-harassment portions of Board Policies Article III, Section 17 and Article V, Section 2 are implemented properly and in compliance with Federal and State laws and regulations.

NOTE: This section of the guideline applies only to harassment other than sexual harassment. Sexual harassment is governed by the next section of the guideline.

"Harassment" means any threatening, insulting, bullying or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a member of the School District community or a third party that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or

C. has the effect of substantially disrupting the orderly operation of a school. **Anti-**

Harassment Compliance Officers

Administration designates the following individuals to serve as Anti-Harassment Compliance Officers for the District.

[Recommend two compliance officers; can be same as civil right coordinators]

In the event of an allegation of discriminatory harassment by or involving either or both of the Anti-Harassment Compliance Officers, the allegation may be submitted to the Superintendent.

In the event of an allegation of harassment by or involving the Superintendent, the allegation may be submitted to the President of the Board of Education.

Investigation and Complaint Procedure

Any employee or other member of the School District community or third party (e.g., visitor to the District) who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights, the Equal Employment Opportunity Commission ("EEOC"), or the Michigan Department of Civil Rights.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an adult member of the School District community or third party who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a prerequisite to the filing of a formal complaint and will only be utilized where the parties (the alleged target of harassment and the alleged harasser(s)) agree to participate in such process. Any party who has agreed to utilize the informal procedure, or the District itself, may request that the informal process be terminated at any time to move to the formal complaint process.

Any party dissatisfied with the results of the informal complaint process, or the District itself, may proceed to the formal complaint process.

However, any allegation that an adult member of the School District community or a third party has committed harassment or retaliation against a student, and any allegation of sexual violence, will be investigated using the formal complaint procedure and/or reported to law enforcement, as appropriate.

As an initial course of action, if an individual believes that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should consider telling or otherwise informing the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed or retaliated against may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one of the Compliance Officers; and/or 3) to the Superintendent or other District-level employee. If a Complainant informs an administrator or Superintendent, either orally or in writing, about any complaint of harassment or retaliation, that employee must promptly report such information to a Compliance Officer, who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed for persons who believe they are being unlawfully harassed or retaliated against with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment or retaliation, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.

B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy and/or Student Records policy.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to harassment or retaliation, hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with an administrator, one of the Compliance Officers or the Superintendent. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs an administrator or Superintendent, either orally or in writing, about any complaint of harassment or retaliation, that employee must promptly report such information to the Compliance Officer.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, harassment or retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to harassment or retaliation.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct (the "Respondent") that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant Administrative Guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit an initial written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

A. one or more interviews with the Complainant;

B. one or more interviews with the Respondent;

C. one or more interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation, and provides recommendations, based on the evidence and the definition of unlawful harassment or retaliation as provided in Board policy and State and Federal law, as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if harassment or retaliation occurred, a preponderance of evidence standard will be used.

The Compliance Officer may consult with the Board’s legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment or retaliation has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must promptly specify the additional information that is to be gathered. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

Administration reserves the right to investigate and resolve a complaint or report of harassment or retaliation regardless of whether the member of the School District community or third party alleging the harassment pursues the complaint. Administration also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as Administration deems appropriate.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the School Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act (FERPA) or under Michigan's student records law will be maintained in a manner consistent with the provisions of the Federal and State laws.

III. HARASSMENT (SEXUAL)

This guideline shall be used to ensure that the portions of Board of Education Policies Article III, Section 17 and Article V, Section 2 forbidding sexual harassment are implemented properly and in compliance with Federal and State laws and regulations, particularly Title IX of the Education Amendments of 1972.

NOTE: This section of the guideline applies only to sexual harassment. Harassment other than sexual harassment is governed by the previous section of the guideline.

Title IX Statement

Title IX prohibits discrimination on the basis of sex, including sexual harassment, in any program, service or activity, including but not limited to, educational programs or activities, such as, extracurricular activities, student services, academic counseling, discipline, classroom assignment, grading, athletics, and transportation operated by the District, including admission to these programs and activities. Title IX also prohibits sex discrimination in employment.

The District encourages anyone who believes a Title IX violation may have occurred to report their concerns to a District employee or a District Title IX Coordinator who are identified below.

The District's Title IX Coordinator(s) are:

[Recommend two coordinators preferably one male and one female. Note: decision maker of a sexual harassment claim, discussed below, may <u>not</u> be a coordinator]

Definitions

"Complainant" means the person who is alleged to be the victim of conduct that could constitute sexual harassment.

"Respondent" means the person who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

"Third parties" include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors or contractors doing business with or seeking to do business with the Board and other individuals who come into contact with students or employees at school-related events/activities (whether on or off District property).

"Sexual Harassment" is defined as conduct on the basis of sex that satisfies one or more of the following:

A. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);
B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the District's education programs or activities; or
C. Sexual assault (as defined in the Cleary Act, 20 U.S.C. 1092(f)(6)(a)(v)), dating violence, domestic violence or stalking (as defined in the Violence Against Women Act, 34 U.S.C. 12291).

"Formal Complaint" is defined as a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment.

Grievance Procedures

These Grievance Procedures are intended to treat Complainants and Respondents equitably by providing remedies to a Complainant if a Respondent is found responsible, and by following the proscribed grievance process before imposing discipline on a Respondent. The Grievance Procedure seeks to ensure objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. Individuals involved in the Grievance Procedures – including Title IX

Coordinators, investigators, decision-makers, facilitators of informal resolution efforts and those involved in the appeal process – must be trained and not have any bias or conflict of interest.

Reporting and Filing a Formal Complaint

Any student or District employee who believes that they have been subjected to sexual harassment by a student, board member, staff, vendor, volunteer, contractor, or other person doing business with the District, should immediately report the behavior or communication to a teacher, counselor, social worker, the building principal or assistant principal, the Superintendent, or a Title IX Coordinator.

All District employees are expected to promptly report actual knowledge of sexual harassment they observe or hear about to a Title IX Coordinator.

Reports can be made orally or in writing and should be as specific as possible. The person making the report should identify the alleged victim/Complainant, perpetrator(s)/Respondent(s) and witness(es), and describe in detail what occurred, including date(s), time(s) and location(s). Upon receipt of a report, 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.

A Formal Complaint must be filed by a Complainant prior to the District proceeding with an investigation under its Title IX Grievance Procedure. A Title IX Coordinator may sign a formal complaint, with or without the Complainant's consent. A formal complaint may be filed by a Complainant in person, by mail or electronic mail.

Any incidents of sexual harassment that come to the District's attention through means other than a formal complaint will be promptly addressed by the Title IX Coordinator. Supportive measures will be considered and offered to both parties and the Title IX Coordinator shall provide information to the Complainant about how to file a formal complaint, or if the Title IX Coordinator chooses, he or she can file a formal complaint to begin the Grievance Procedure.

Mandatory and Discretionary Dismissals

The District **must** dismiss a complaint:

A. That does not describe the conduct that meets the definition of sexual harassment; B. That alleges sexual harassment that did not occur in the school's educational program or activity; or
C. That alleges the sexual harassment did not occur in the United States at all. The

District **may** dismiss a complaint:

A. If the Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the formal complaint or some of its allegations;

B. If the Respondent is no longer enrolled or employed by the District; or C. If specific circumstances prevent the District from gathering evidence sufficient to reach a determination about the allegations.

If the District dismisses a complaint, or any allegations, pursuant to the above, it will send a written notice of dismissal and the reason(s) to the parties. Both parties have the right to appeal the District's dismissal as described in more detail below under "Right to Appeal."

Informal Resolution Process

If appropriate as determined by the Title IX Coordinator, the Complainant and the Respondent may voluntarily agree to participate in an informal resolution process that does not involve a full investigation and determination. Prior to the informal resolution process commencing, both parties will receive written notice of the charges and allegations and will be advised of their option to engage in a formal resolution process. The Complainant will not be required to resolve the problem directly with the Respondent, and either party has the right to end the informal process at any time and begin the formal process for investigating the complaint. The District prohibits the informal resolution process for complaints involving an employee and a student. The informal process should be completed on or before thirty (30) days after the complaint is filed.

Formal Resolution Process

If the parties choose not to engage in the informal resolution process, or choose to stop the informal resolution process at any time, the District will conduct a prompt and full investigation into any formal Title IX complaint. An investigation will afford both the Complainant and the Respondent a full and fair opportunity to be heard, submit documentation and evidence supporting or rebutting the allegation(s), and identify witnesses. All parties involved in the investigation will be provided with a copy of these Title IX Grievance Procedures.

When the District begins the investigation, written notice will be provided to the parties containing:

A. A copy of the District's Policy and Grievance Procedure under Title IX; B. Whether there is an opportunity to engage in informal resolution; C. The actual allegations and facts that would constitute sexual harassment; D. A statement that the Respondent is presumed innocent;

E. A statement that the parties are entitled to an advisor of their choice; F. A statement that the parties can request to inspect and review certain evidence; and G. Information regarding the Code of Conduct and false statements.

Investigations may be conducted by the appropriate Title IX Coordinator or designee, such as a building administrator or other administrator, who has been trained in Title IX procedures and does not have a conflict of interest or bias towards either party. The District reserves the right to obtain or consult with a third-party investigator or resource at any time during the Grievance Procedures.

Prior to and during the investigation process, the Title IX Coordinator or designee will meet independently with the Complainant and the Respondent and discuss any supportive measures to be implemented before or during the investigation.

Retaliation Prohibited

At the beginning of the investigation, the Title IX Coordinator or investigator will explain that Title IX includes protections against retaliation and that the District will take steps to prevent retaliation and that the District will strongly react to any retaliatory actions, including any acts of retaliatory harassment, should they occur. No student, parent/guardian, employee, or member of the public shall be retaliated against for filing a complaint or participating in the investigation of the complaint.

Respondent Presumed Innocent

During an investigation, the Respondent is presumed to be innocent.

Investigation Procedure

Investigations must begin promptly, proceed impartially, and treat all parties equitably. This includes providing both parties an opportunity to present witnesses and other evidence. The investigation will be concluded within thirty (30) calendar days but no more than sixty (60) days after a formal complaint is filed, unless there is good cause to continue the investigation beyond sixty (60) days (e.g. law enforcement activities, absence of a party or witness, absence of a party's advisor of choice or the need to provide language assistance or accommodations of disabilities).

Supportive Measures

Upon request of a party, or on its own initiative, the District may implement supportive measures prior to or during the investigation of a formal complaint. Supportive measures are free, individualized services designed to restore or preserve equal access to education, protect safety, or deter sexual harassment. Supportive measures support a student and are not punitive or disciplinary with respect to another student. They do not unreasonably burden any other person.

A party can submit requests for supportive measures, either verbally or in writing, to the investigator and/or to the Title IX Coordinator. (The investigator will notify the Title IX Coordinator of any

request for supportive measures and the Title IX Coordinator will be responsible to implement supportive measures). Supportive measures include, but are not limited to, counseling, extensions of time, modifications of work or class schedules, appropriate emotional and/or academic support, restrictions on contact between the parties, leaves of absences, and increased monitoring and support. In fairly assessing the need for either party to receive interim measures, the District will not rely on fixed rules or any assumptions that favor one party over another. Supportive measures will be made available to both parties, as appropriate. In imposing supportive measures, the Title IX Coordinator or designee will make every effort to avoid depriving any student of his/her education. The District will take steps to ensure that any supportive measure minimizes the burden on the parties, and that the Title IX

Coordinator or designee will communicate with the parties to ensure any supportive measures are necessary and effective based on the parties' needs.

Determination of Investigation

The District shall take reasonable, timely, age-appropriate and effective corrective action based upon the situation and nature of the complaint. Appropriate corrective action may include classroom reassignment, increased staff supervision, counseling, academic support services, additional training for students and staff, and reporting procedures, safety plan, behavioral support plan and/or disciplinary action under the Student Code of Conduct or under the District's policies and procedures which include suspension up to permanent expulsion. Restorative practices will also be considered in any circumstance involving disciplinary action.

A. The investigator's findings will be documented in a preliminary report and shared with the Complainant, Respondent and their advisors, if any. The parties will have at least ten (10) calendar days to review the preliminary report and submit a response in writing. Prior to finalizing the report, the investigator shall consider the parties' written responses to the preliminary report, if any. The investigation report is then finalized and forwarded to the decision-maker, the parties and their advisors, if any. The decision-maker cannot be the investigator, Title IX Coordinator or have any conflict of interest or bias with either party.
B. The decision-maker will be the Superintendent or designeeIf the Superintendent or designee is the Respondent, a witness, or otherwise has a conflict of interest, the decision maker will be another District administrator.
C. The decision-maker, prior to any final decision, shall afford the parties an additional (10) calendar days to submit relevant, written questions to the opposing party or any witnesses. The decision-maker shall ask any relevant questions, record the response(s) and provide the responses to the parties (and their advisors, if any) prior to making a final determination. If the decision-maker deems a question irrelevant, he/she shall state in writing why the question is not relevant and provide the reason(s) to the parties (and advisors, if any) before the final decision is made.
D. The decision-maker shall issue a written decision and deliver it simultaneously to both parties. The written decision must include:
    1. The portion of the District's policies that was violated;

2. A description of the procedural steps that were taken by the school on the way to getting to the decision;
3. A findings of fact section;
4. A section that draws conclusions after applying the facts to the portion of the District's policy that applies;
5. A statement and rationale for the ultimate determination of responsibility; 6. Any disciplinary sanctions that the District will impose on the Respondent, and state whether the District will provide remedies to the Complainant;
7. A statement and rationale for any remedies for the Complainant, addressing how those remedies will restore or preserve equal access; and

8. A statement of the District's procedures, a statement that the parties have a right to appeal the initial determination regarding responsibly and the permissible basis for the appeal.

Right to Appeal

Both parties shall be provided notice of right to appeal the final determination based on: 1) a procedural irregularity affected the outcome of the matter; 2) new evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal; or 3) a conflict of interest on the part of the Title IX Coordinator, an investigator who compiled evidence, or a decision-maker, and the conflict of interest affected the outcome.

If a party intends to file an appeal, the appeal must be submitted in writing to the Superintendent no later than five (5) school days following the date of the final decision.

The opposing party shall be provided with a copy of the written appeal and given an opportunity to submit a response, which will be provided to the Superintendent.

The Superintendent shall review the written appeal and any response and issue a written determination within twenty (20) calendar days of the date he or she received the appeal, which will be delivered to both parties.

The Superintendent's decision shall be final.

Training

Individuals involved in the Grievance Procedure – Title IX Coordinator, investigators, decision makers or facilitators of informal, voluntary resolution efforts must be trained.

The training materials cannot rely on sex stereotypes, must promote impartial investigations and adjudications and must be posted on the District's website.

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

Privileges

No information protected by a legal privilege, such as the attorney-client privilege or the doctor patient privilege, can be used during an investigation unless the person holding that privilege has waived it.

Neither a party or the District is allowed to seek, permit questions about, or allow the introduction of evidence that is protected by a recognized privilege.

Changes to Grievance Procedure

The District reserves the right to change, modify, amend or repeal all or any part of these Grievance Procedures.

AG V-6. FAMILY MEDICAL LEAVE ACT (FMLA).

This Guideline provides rights equal to and no greater than those rights provided by the FMLA law. To the extent any court decision or regulation interpreting the FMLA provides rights different than those contained in these guidelines, the District will abide by such decision or regulation.

The District will grant eligible employees up to twelve (12) weeks of unpaid leave during any rolling twelve (12) month period measured backward from the first day of the employee's FMLA leave for the following reasons:

- because of the birth of and to care for the employee's newborn child;
- because a child is placed with the employee for adoption or foster care;
- to care for the employee's spouse, child or parent with a serious health condition;
- because of an employee's own serious health condition that prevents performance of his or her job functions; or because of a qualifying exigency when a qualified family member is on covered active duty or has been called to active duty in the Armed Forces in support of a contingency operation.

Leave for the birth of and to care for a newborn or because of a placement of a child with the employee for adoption or foster care must be taken within 12 months of the birth or placement, and may not be taken intermittently or on a reduced leave schedule (with limited exceptions).

Generally, leave for other purposes in subsections and covered service member leave may be taken intermittently or on a reduced leave schedule if such leave is deemed medically necessary and if other requirements are met.

In addition, a qualified family member may be eligible for leave for up to 26 weeks during a 12-month period to care for a covered service member. The 26 workweeks of leave in the single 12-month leave period to which an employee is entitled shall be a combined 26 weeks for all

available FMLA leave. Nothing shall limit the availability of leave for other reasons to a single 12 month period.

Definitions

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves: an overnight stay in a hospital, hospice, or residential medical care facility; a period of incapacity for more than three consecutive days, combined with continuing treatment or supervision by a health care provider; a period of incapacity due to pregnancy or for prenatal care; a period of incapacity due to a chronic serious health condition; a period of incapacity that is permanent or long term; or**,** a period of absence during which the employee will receive multiple treatments from a health care provider for restorative surgery or for a condition that would likely result in a period of incapacity of more than three full calendar days in the absence of medical treatment (*e.g.* chemotherapy, physical therapy or radiation).

A "covered service member" is a current member of the Armed Forces, National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious illness or injury, or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness who was a member of the Armed Forces (including National Guard and Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that treatment, recuperation, or therapy.

A "serious injury or illness" is one that is incurred by a covered service member on active duty that renders the member medically unfit for active duty or, in the case of a veteran, that manifested itself before or after the member became a veteran.

A "qualifying exigency" is leave that is necessary as a result of a family member's call to active duty including short notice deployment (seven days or less), attending certain military functions and related activities, arranging for alternative childcare and school issues, addressing certain financial and legal arrangements, attending counseling, rest and recuperation, post-deployment activities, and additional activities agreed to between the employer and employee.

Questions about whether a condition is covered as a serious health condition, a serious illness or injury in the case of care for a covered service member, or whether the need for a leave is due to a qualifying exigency, should be directed to Human Resources.

Eligible Employees

To be eligible for a leave, an employee must be employed by the School District for at least twelve (12) months, whether or not consecutive. (A break in service that exceeds multiple years may disqualify the previous period of service. Breaks in service should be discussed with Human Resources.) An employee must also have had at least 1,250 hours of service during the twelve

(12) month period before the requested leave and must be employed at a worksite within 75 miles of which 50 or more employees are employed by the School District.

Notice and Documentation Requirements

The employee must give thirty (30) days advance notice of the need for leave. If such notice is not possible, the employee must give as much notice as is practicable. Calling in "sick" without providing more information will not be considered sufficient notice. If the request for leave is due to a previously qualifying reason for which FMLA leave was provided, the employee must specifically reference the qualifying reason or the need for FMLA in the request and, when calling in an unplanned absence, must specifically state that it was FMLA.

When the requested leave is for planned medical treatment for the employee or the spouse, son, daughter, or parent of the employee, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the School District.

The District will provide required forms and certification requirements to document the basis for a leave, which forms must be returned within 15 days of the District's request for such information. The District may request authentication, clarification, or completion of any of the

submitted forms. Upon written notice, the employee must provide the additional information or clarification within seven (7) days.

The District reserves the right to request recertification regarding an employee's FMLA leave in certain circumstances permitted by law, but not more than once every 30 days except under those circumstances specified by the Act or its regulations at the employee's expense.

Second and Third Medical Opinion

The District reserves the right to request certification of a serious health condition (not a serious illness or injury of a Covered Service Member) by another physician specified by the District at the District's expense. In the case of a conflict between two physicians, the District, at its own expense, may obtain a third certification by a physician approved jointly by the District and the employee. The third physician's opinion will be binding on both the District and the employee.

Return to Work

If the absence exceeds three (3) work days before an employee may return to work from a medical leave occasioned by the employee's serious health condition, the employee is required to provide a certification from his or her doctor that the employee is able to resume work, with or without accommodations.

Consequences for Failure to Provide Information

Failure of an employee to provide the requested forms or requested clarifications or completions in the fifteen (15) day period or the seven (7) day follow-up period provided may result in denial of

the leave until the required information is provided. An exception or extension may be given if there are extenuating circumstances.

Use of Paid Time

Employees must use any and all paid time off, including vacation pay and sick pay, to which they are entitled during FMLA leave.

Intermittent or Reduced Schedule Leave

If the reason for a requested leave is due to the serious health condition of either the employee, a spouse, child, or parent, or if the leave is for a qualifying exigency due to a call to active duty of a qualified family member, or if the leave is to care for a Covered Service Member, the employee may be entitled to leave on an intermittent or reduced schedule basis. Such leaves are permitted only where medical necessity is established by written documentation subject to verification, and the employee makes every reasonable effort to schedule the treatment so as not to disrupt the business operation of the department. The leave may not exceed a total of twelve (12) weeks in a twelve (12) month period.

Use of intermittent leave and reduced schedule leave under the FMLA must be used in at least one hour increments.

Benefits

During FMLA leave, employee group health plan coverage (medical and dental) will be maintained at the level and under conditions coverage would have been provided except for the leave. Any share of health insurance premiums that had been paid by the employee prior to commencing leave shall be paid during the leave. If premiums are raised or lowered, the employee will be required to pay the new premium rates.

If an employee is not able to return to work after exhaustion of his/her FMLA leave, the School District may recover premiums it paid for maintaining group health plan coverage, unless the reason the employee does not return to work is due to the continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave, or other circumstances beyond the employee's control.

If an employee is not able to return to work or if the employee is eligible for additional leave under the District's Policies, he/she may be eligible to participate in the group health plan coverage at his/her own expense under COBRA. The District will not continue the coverage at its expense beyond the FMLA period provided by law. Whether an employee is eligible to continue to participate in other School District insurance programs while on an FMLA leave of absence shall be determined by the terms of the applicable plan.

Employees are prohibited from performing work for other business entities or engaging in self - employment during a leave of absence, unless written authorization from Human Resources is obtained by the employee. Violation of this provision may result in termination of employment.

Restoration to Position

Upon return from an approved FMLA leave, the employee will be restored to his or her former position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. However, an employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. Key employees may be denied restoration if the District determines that restoration of employment will cause substantial and grievous economic injury to its operation. No employee returning from an FMLA leave will lose any employment benefit that the employee earned or was entitled to before going on such leave. If the employee's leave extends beyond FMLA leave, his/her employment will end unless the employee requests additional leave prior to the expiration of his/her FMLA leave and the District determines in its sole discretion that it can provide additional leave without it being an undue burden on its business needs.

AG V-7. PAID MEDICAL LEAVE ACT (PMLA).

Under Michigan's Paid Medical Leave Act, "eligible employees," as defined in the Act, will accrue paid medical leave (PML) at the rate of one hour for every 35 hours worked. Eligible employees may not accrue more than one hour of PML per calendar week, or 40 hours of PML per benefit year, whichever is less. Eligible employees may not use more than 40 hours of PML

during a benefit year and may not carry over more than 40 hours of PML from one benefit year to another.

PML may be used by an eligible employee in increments of not less than one hour for the following reasons:

(a) The eligible employee's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the eligible employee's mental or physical illness, injury, or health condition; or preventative medical care for the eligible employee.

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

(c) If the eligible employee or the eligible employee's family member is a victim of domestic violence or sexual assault, the 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.

(d) For closure of the eligible employee's primary workplace by order of a public official due to a public health emergency; for an eligible 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 if it has been determined by the health authorities having jurisdiction or by a health care provider that the eligible employee's or eligible employee's family member's presence in the community would jeopardize the health of others because of the eligible employee's or family member's exposure to a communicable disease, whether or not the eligible employee or family member has actually contracted the communicable disease.

Eligible employees who use or wish to use PML will be required to provide documentation acceptable to the District to determine PML is being used only for reasons permitted by Michigan law.

AG V-10. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The District shall comply with the health information privacy and security requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). District-provided health insurance or medical plans are considered "health plans" within the meaning of HIPAA, and the District is the "Plan Sponsor." In order to assure compliance with HIPAA, the following safeguards are implemented to ensure the confidentiality of protected health information, whether created, received, maintained, or transmitted by the District's Plan, including information in electronic form, whether it is being stored or transmitted.

Authorization: Only District employees designated by Human Resources as requiring access to protected health information for Plan administration purposes shall have such access. These employees may view protected health information necessary to perform their duties for the Plan without express authorization from the Plan member.

Training: District employees authorized to have access to protected health information will annually receive training, will be provided with a copy of the HIPAA privacy policy, and shall annually affirm in writing that they have received the policy.

Security Incidents: Suspected or known security incidents will be identified, responded to, and documented in writing. The harmful effects of such security incidents of which the Plan is aware will be mitigated to the extent practicable.

Physical Safeguards: Plan members' protected health information shall be stored in a locked file used solely for this purpose. Paper documents containing protected health information shall be shredded before being discarded. Electronic files containing protected health information, if any, shall be password protected.

Technical Safeguards: Access to health information maintained electronically will be provided only to those persons who have been granted been designated to receive access rights health

information. Procedures for controlling and tracking the handling of hardware and software, and for data backup, storage, and disposal, shall be implemented, including the receipt, handling, and disposal of health information. Employees will be required to close files when leaving their work stations to protect confidentiality.

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

AG V-12. OMNIBUS TRANSPORTATION EMPLOYEES

The District will comply with the provisions related to alcohol and drug testing of transportation policies pursuant to the Omnibus Transportation Employee Testing Act of 1991 ("the Act"). Testing shall take place pursuant to the Act and its implementing regulations, located at 49 C.F.R. Part 40.

Any employee covered by the Act who is found to be in violation of the requirements for his or her position related to drug or alcohol use or presence in his or her body, or who fails to engage in testing as required by the District and the testing regulations, shall be subject to discipline up to and including termination.

Article VI: Finances

AG VI-1. Fiscal Management

The Superintendent designates the Director of Finance to annually review the District's financial processes, procedures and internal controls and the governing law and accounting principles, and to make recommendations for possible revisions to such processes, procedures and controls.

AG VI-5. General Purchasing

The procurement of supplies, materials, equipment and services is necessary to carry out the School District's operating purposes. The Director of Finance is the District administrator designated with the responsibility for ensuring District procurements, given the circumstances, are: consistent with its school operating purposes and programs; conducted in a manner which is in compliance with all applicable legal requirements and Board policies; conducted in an efficient manner to maintain District operations; and done in a manner which seeks to secure the best possible cost for the District.

In situations where professional or other services, such as architectural, legal, engineering, consulting, and auditing services, are necessary for the District, the District recognizes that familiarity with District personnel, practices, and facilities often provides the most effective services and that there are advantages in maintaining continuity in the provision of these services. Unless otherwise required by law, these services do not require bidding or annual re-bidding. However, in certain situations where the Superintendent or Board of Education considers it in the District´s best interest, the District may competitively bid such services to ensure that the services and associated fees/costs are aligned with the District´s best interests and industry norms. When the District elects to secure contracts for services, the criteria and basis for such selection and award will be determined by the Board of Education, following recommendations from the Superintendent, on a case-by-case basis.

AG VI-7. Construction

The procurement of labor and materials for the construction, addition, renovation or repair of School District buildings and facilities is necessary to maintain these assets and carry out the School District's operating purposes. The Director of Finance is the School District administrator designated with the responsibility for ensuring School District construction procurements, given the circumstances, are: consistent with its school operating purposes and programs; conducted in a manner which is in compliance with all applicable legal requirements and Board policies; conducted in an efficient manner to maintain School District operations; and done in a manner which seeks to secure the best possible cost for the School District.

In situations where professional or other services, such as architectural, engineering, construction management, technology designer, owner's representative and other consulting services are necessary for the School District to engage in connection with a construction project, the School

District recognizes that familiarity with School District personnel, practices, and facilities often provides the most effective services and that there are advantages in maintaining continuity in the provision of these services. Unless otherwise required by law, these services do not require bidding or annual re-bidding. However, in certain situations where the Superintendent or Board of Education considers it in the School District´s best interest, the School District may competitively bid such services to ensure that the services and associated fees/costs are aligned with the School District´s best interests and industry norms. When the School District elects to secure contracts for professional services, the criteria and basis for such selection and award will be determined by the Board of Education, following recommendations from the Superintendent, on a case-by-case basis.

AG VI-9. Investments

The Superintendent designates the Director of Finance to annually review the District's investment procedures and internal controls and the governing law and accounting principles, and to make recommendations for possible revisions to such processes, procedures and controls.

AG VI-12. Fixed Assets/Inventory

The Superintendent designates the Director of Finance to annually, or more often if necessary update the District's fixed asset schedule.

Article VII: Facilities and Operations

AG VII-1. TOXIC HAZARD AND ASBESTOS HAZARD EMERGENCY RESPONSE.

Hazard Determination

The District's Toxic Hazard Preparedness ("THP") Officer shall rely on Safety Data Sheets ("SDS") from material suppliers to meet hazard determination requirements.

Labeling

The THP Officer is responsible for ensuring that:

1. All incoming containers are properly labeled;

2. All incoming products are checked for identity, hazard warning, and name and address of the responsible party;

3. All portable containers are labeled with identity and hazard warning;

4. Piping systems are painted at access points and every ten (10) feet where the piping is eight (8) feet or closer to employee contact.

Safety Data Sheets (SDS)

1. The THP Officer will be responsible for compiling the master SDS file.

2. SDSs will be available for review to all employees. Copies will be available upon request to the principals and other supervisors.

3. The THP Officer shall procure SDSs on all purchase orders.

4. The THP Officer or Human Resources personnel shall provide supervisors with the required OSHA Right to Know poster and postings notifying employees of new or revised SDSs within five (5) days of receipt of a new or revised SDS.

Employee Information and Training

1 The THP Officer shall coordinate and maintain records of training.

2. Before starting work, as required by their classification, each new employee will attend a safety class or computer web class and be given a Hazardous Materials handbook which will have information on:

a. chemicals and their hazards in their work areas;

b. how to lessen or prevent exposure to these hazardous chemicals;

c. what has been done to lessen or prevent workers' exposure to these chemicals;

d. procedures to follow if they are exposed to these chemicals;

e. how to read and interpret labels and SDSs.

3. After attending the class in person or online each employee shall acknowledge in writing having received the written materials outlined above and received the safety training.

4. Before any new hazardous material is utilized in the District, appropriate employees will be given relevant information regarding the material. Supervisors will be responsible for seeing that SDSs on the new chemical are available.

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AG VII-2. PEST MANAGEMENT.

As mandated by Policy Article VII, Section 2, Integrated Pest Management (IPM) is a pest management system that utilizes all suitable techniques in a total pest management system with the intent of preventing pests from reaching unacceptable levels or to reduce an existing population to an acceptable level. An emphasis is placed on manipulation of the pest environment to the point that it will not support a pest population.

Michigan law requires that certain conditions must be met prior to making a pesticide application (other than sanitizers, germicides, disinfectants, or anti-microbial agents) in schools, public buildings, or health care facilities. These conditions include:

A. the pesticide applicator must have attended an approved IPM program; B.

there must be an IPM plan in place for the building.

Key Terms

Certified Applicator: A person authorized by the State to use and supervise the use of a restricted use pesticide.

Commercial Applicator: A person or entity that holds themselves out to the public as being in the business of applying pesticides.

General Use Pesticide: A pesticide that may be purchased by an individual who is not required to be a certified applicator. A pesticide product that is NOT general-use is a restricted-use product.

Pest: An unwanted insect, rodent, nematode, fungus, weed, or other form of terrestrial or aquatic plant or animal life, or virus, bacteria, or other microorganism.

Pesticide: A substance or mixture of substances intended for preventing, destroying, repelling, of mitigating pests or intended for use as a plant regulator, defoliant, or desiccant.

Ready-to-Use Pesticide: A pesticide which is applied directly from its original container consistent with label directions, such as an aerosol insecticide or rodent bait box, which does not require mixing or loading prior to application.

Registered Applicator: A classification of applicators authorized by the State to apply pesticides as a scheduled and required work assignment. Most often, this is a staff employee. Requires supervision by a certified applicator, unless applying only general use pesticides.

Communication — Sighting Log

A Pest Sighting Log and recordkeeping data will be used as part of the communication process. The building administrator(s) will ensure that pest sightings are recorded in the log.

Applicator Credentials

A person who applies a pesticide in a school building MUST have attended an approved IPM training session.

Pesticide applicators who conduct applications for hire *(i e.,* an outside contractor) must be licensed and certified. However, staff members who have attended an approved IPM training session may use a general-use ready-to-use product without being certified.

Pesticide Applications

Pesticide applications for non-emergency situations shall be conducted by an appropriately licensed applicator who has attended an approved IPM training program and shall be made in accordance with this IPM plan. Applications must be made in accordance with the pesticide labeling. The applicator shall use personal protective equipment that is appropriate relative to the potential exposure. Minimum personal protective equipment for applications using products that are not ready-to-use includes long pants, protective footwear, gloves that are impervious to the pesticide being applied, and long-sleeve clothing. Short-sleeve clothing may be worn if wash water or waterless soap is immediately available and it is not prohibited by the pesticide label.

Pesticide Application Records

Records of pesticide applications shall be maintained and contain:

A. site address and the location of the areas or room(s) where pesticides are applied;

B. the date of service;

C. the target pest(s);

D. an inspection report, including the number of pests found or reported (this information may be found in the sighting log), and the conditions conducive to pest infestation;

E. pest management recommendations made by the applicator, such as structural or habitat modification;

F. structural or habitat modifications or other measures that were initiated as a part of the IPM program;

G. the name, concentration and quantity of pesticide(s) used;

H. the name of the applicator;

I. the method and rate of application.

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Pesticide Use In and Around Schools

This section contains information regarding parental notification and applications of insecticides, fungicides, and herbicides made in and around school property.

A. Notification

Within thirty (30) days of the beginning of each school year, the building principal or a designee shall provide written notification to parents (or guardians) of children attending the school of their right to be informed before any pesticide application is made to the school property. The notice shall state that pesticides may periodically be applied to school property and that parents (or guardians) have a right to request prior notification of such pesticide applications. The notice will also state that in the case of an emergency, pesticides may be applied without prior notice, but that those parents who request notification will be notified of the emergency application after it occurs.

The Superintendent or a designee shall provide an annual written notification satisfying all of the following requirements:

1. specifying two (2) methods by which advance notice of the application of a pesticide will be given at least forty-eight (48) hours before the application

a. The first method shall be by posting at the entrances to the school.

b. The second method shall be one (1) of the following:

1. Email.

2. Posting on the school's website.

The notification requirements do not apply to common cleaners such as germicides and disinfectants. Notification requirements do not apply to bait or gel pesticide formulation.

Prior notification shall identify the approximate location of the application, the scheduled day or date of application, the type of pesticide to be applied, the method of application, and the target pest

B. Use of Insecticides, Fungicides, and Herbicides

1. Liquid spray or aerosol insecticide applications shall not be made in a room of a school building unless the room will remain unoccupied for at least four (4) hours UNLESS the product label requires a longer le-entry period.
2. Liquid spray pesticides used for turf or ornamental applications may not be made on school grounds within 100 feet of occupied classrooms during normal school class hours or when persons are using the treatment area.

3. The pesticide applicator shall notify the school's building administrator of any reentry periods that are required by the product label.

IPM Program Evaluation

The program shall be evaluated on a continual basis to determine the program's effectiveness and the need for program modification.

Posting

When making an application of pesticides, other than a general-use ready-to-use pesticide, the applicator shall place the appropriate signs or markers at the primary point or points of entry. It is the responsibility of the building administrator or a designee to ensure that the appropriate signs are posted.

A. Insecticide Applications

The primary point or points of entry must be posted. If multiple rooms or common areas such — as a cafeteria are treated, the main entry areas to the facility should be posted. If treatment was applied to a limited area (such as a single classroom), then the classroom can be posted. Postings shall remain posted at least forty-eight (48) hours after the most recent application of insecticide.

B. Ornamental or Turf Applications

The primary point or points of entry must be posted. Postings shall remain at least twenty-four (24) hours.

AG VII-11. Food Service Programs.

The District's food service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including, but not limited to, current United States Department of Agriculture (USDA) Dietary Guidelines for Americans and the USDA Smart Snacks om School nutrition standards.

The food service program will follow a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system, which shall be implemented with the intent of preventing food-borne illnesses.

The food service program shall also comply with the Healthy Hungry-Free Kids Act of 2010.

Food service in the District shall be the responsibility of the Food Service Department.

All meals provided will be sold on a cash basis each day or paid in advance through an account system, with the exception of students under a free meals program. Payment for school meals is expected at the time of purchase. Parents are expected to regularly monitor their child's meal account balance. The District recognizes, however, that, at times, students may come to school

without sufficient funds in their meal account balance. If so, students may charge up to three lunches.

Overdue lunch charges will be managed by the Food Service Department. Communication and payment options should be provided to a student's parent or guardian. If resolution cannot be made, an alternative nutritional lunch may be provided for the student. Bad debt shall also be managed by the Food Service Department. If resolution cannot be made, the Superintendent may resolve the debt using alternative District resources.

Substitutions to the standard meal requirements shall be made at no additional cost to a student who is certified by a licensed physician to have a disability which restricts his/her diet, in accordance with the criteria in 7 CFR 15 (b) (3); the certification shall identify the disability and major life activity affected by the disability; an explanation of why the disability affects the diet of the student; the food(s) to be omitted from the student's diet; and the food that to be substituted.

On a case by case basis, substitutions to the standard meal requirement may be requested at no additional cost to a student who is not disabled but has a signed statement from a medical authority stating the student cannot have certain food items due to a medical condition or other special dietary needs. The medical statement shall include the medical or dietary need that restricts the student's diet, the food(s) to be omitted from the child's diet, and the food(s) that may be used as a replacement.

For non-disabled students who need nutritional equivalent milk substitute, only a signed statement by a physician is required.

Free and reduced-price food services are available to eligible students. Education Benefits Forms may be found in each school's main office and online. Recipients must complete a new application each year to determine eligibility.

AG VII-13. Website Accessibility.

The District recognizes the importance of ensuring accessibility of its website for students, prospective students, employees, and the District's guests with disabilities.

A. Website Accessibility Compliance Standards

With regard to the District's website and any information provided through the District's website ("Online Content") which is developed by, maintained by, or offered through a third-party vendor or by open sources, the District is committed to compliance with the provisions of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), so that students, prospective students, employees and the District's guests with disabilities are able to acquire the same information, engage in the same interactions and enjoy the same benefits and services within the same timeframe as their nondisabled peers with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any of the District's programs, services and activities delivered online as required by Section 504 and Title II.

The District will adhere to the applicable and existing standards for website accessibility, including the World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAIARIA) 1.0 for web content, or other standard or combination of standards that will render the Online Content accessible. In the event that the standards, laws and/or regulations change, the District will conform its policies and procedures to meet the change in the standards, laws and/or regulations.

B. Website Accessibility Coordinator and Training

The Website Accessibility Coordinator and Trainer for the District is/are:

Director of Communications

The Website Accessibility Coordinator will be responsible for the coordination and implementation of the Website Accessibility Policy, and all other requirements relating to accessibility of the District's website. The Website Accessibility Coordinator will undergo annual training (along with any other staff responsible for creating or distributing information with Online Content) on the Website Accessibility Policy and their roles and responsibilities to ensure that web design documents and multimedia content are accessible. The training will be facilitated, in whole or in part, by an individual with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the District. With regard to staff who have already been fully trained at least once on the Web Accessibility Policy, the annual training requirement can be satisfied by disseminating notice that includes the Web Accessibility Policy *(e.g.,,* via email with a link to the Website Accessibility Policy), highlights any Website Accessibility Policy updates, and provides the Web Accessibility Coordinators' names, phone numbers, and email addresses, with a notation that they serve as a resource for staff with questions about the accessibility of Online Content.

C. Accessibility Complaints

Students, prospective students, employees and the District's guests with disabilities may report violations of the technical standard(s) used by the District, file a formal complaint through the District's Section 504 and Title II grievance procedure (through the District's Section 504 Coordinator), and/or contact the Web Accessibility Coordinator with any accessibility concerns. Website accessibility complaints regarding the inaccessibility of Online Content should include:

· Name of complainant
· Contact information of complainant (telephone number and email address) ·
Date of complaint
· Description of the problem encountered
· Web address or location of the problem page
· Solution desired

Complaints shall be submitted in writing, via email or by online form (linked on website). Complaints shall be automatically routed to the Website Accessibility Coordinator. The Website Accessibility Coordinator shall contact the Complainant within five (5) business days. If the

information cannot be made accessible, the information shall be promptly provided by equally effective alternate access.

Records of each complaint, correspondence and resolution shall be maintained by the Website Accessibility Coordinator. Complaints filed through the District's Section 504 and Title II grievance procedure shall be filed with the District's Section 504 Coordinator. If a Complaint is filed through the District's Section 504 Coordinator, a copy of the Complaint shall also be provided to the Website Accessibility Coordinator.

D. Accessibility Audit

An accessibility audit will be completed initially after implementation of the Website Accessibility Policy and thereafter annually under the direction of the Web Accessibility Coordinator, during which information provided by the District through its Online Content is measured against the technical standard(s) adopted in the Web Accessibility Policy. All problems identified through the audit will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.

E. Accessibility of Third-Party Sites

Some of the pages on the District website contain links to third-party sites. The District is not responsible for the Online Content or accessibility of third-party sites that do not relate to the District's programs, services and activities. The District makes no assurances regarding the accessibility of any Online Content that is posted, hosted or offered on the District's website by an individual or entity outside of the control of the District. The District will take steps reasonably calculated to prevent an individual or entity outside the control of the District from posting on the District's website, and agrees to promptly remove any inaccessible content once the District becomes aware of such content.

Online Content developed by, maintained by or offered through a third-party vendor or by using open sources, which is related to the District's programs, services and activities will be made accessible under the District's Section 504 and Title II legal obligations, except where doing so would impose a fundamental alteration or undue financial and administrative burden.

The District, through the Website Accessibility Coordinator, will take the following steps to ensure accessibility of Online Content provided by third-parties which relate to the District programs, services and activities:

- Use an accessibility validation tool to review the accessibility of the third-party website;
- Inform third-party developers of the District's policy regarding website accessibility;
- Provide links to third-party developers with information and resources on implementing website accessibility; and
- Provide an alternate method to obtain the information provided on third-party websites as it pertains to the District programs, services and activities.

F. Fundamental Alteration or Undue Financial and Administrative Burden

The District, in providing equally effective alternate access, shall take actions that do not result in a fundamental alteration or undue financial and administrative burdens, but nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits and services as their nondisabled peers. In those circumstances where the District's Web Accessibility Coordinator believes that the proposed action would fundamentally alter the service, program, or activity would result in undue financial and administrative burdens, the District has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance

would result in such alteration or burdens must be made by the Superintendent or his or her designee after considering all resources available for use in the funding and operation of the service, program or activity and must be accompanied by a written statement of the reasons reaching that conclusion. If an action would result in such an alteration or such burdens, the District shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits and services provided by the District.

AG VII-14. Acceptable Use Policy: Technology and Internet Safety

The District provides Technology Resources to support the educational and professional needs of its students and staff District Technology Resources afford students the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital age. The Board provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The Board provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The District's computer network and Internet system does not serve as a public access service or a public forum, and is subject to the following reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of District Technology Resources by principles consistent with applicable local, State, and Federal laws and the District's educational mission. The Board's Acceptable Use Policy ("Policy") and these guidelines govern use of District Technology Resources and personal communication devices when they are connected to the District computer network, Internet connection, and/or online educational services/apps, or when used while the user is on District property or at a District-sponsored activity.

Individuals who use district technology are expected to:

A. Respect the privacy of other users. Users shall not intentionally seek information, obtain copies, modify files, data or passwords belonging to other individuals; represent themselves as another user, unless explicitly authorized to do so by that individual; attempt to gain unauthorized access to files, programs or network services; or disclose information whose release violates the Family Education Rights and Privacy Act ("FERPA").

B. Follow copyright law, patent law, and licensing agreements for software programs and websites. Users shall not plagiarize text, copy photographs, download Internet material, create unauthorized copies of software, or exceed license counts for purchased programs.

C. Preserve the integrity of computers and network systems. Users shall not intentionally develop, distribute, or implement programs that harass other users, infiltrate a computer or computing system and damage or alter software, a computer, or a computing system.

D. Report any misuse of the network to an administrator. Misuse is commonly viewed as any message or file sent or received that indicates or suggests pornography, violence, unethical or illegal solicitation, racism, sexism, or inappropriate language.

E. Refrain from creating, sending, disclosing, or accessing inappropriate materials. This includes text files, pornographic material, viruses or files dangerous to the integrity of the network.

F. Maintain the integrity of the electronic mail (email) system. Individuals are responsible for all mail sent or received under their user account. An individual who receives material that may be objectionable should immediately report it to an administrator.

G. Use district technology only for educationally relevant purposes and/or appropriate professional activities. This includes all software, hardware, data files, the Internet and email.

H. Respect physical and data security. Users shall not share usernames and passwords and will follow suggested guidelines for passwords. Users shall show appropriate care for all hardware and technology. Users shall not circumvent security procedures put in place by the district such as antivirus updates, security patches, and content filtering.

I. Adhere to the student code of conduct and other District policies regarding zero tolerance of bullying and/or cyberbullying.

Users have no right to or expectation of privacy when using District Technology Resources (including, but not limited to, privacy in the content of their personal files, emails, and records of their online activity when using the District's computer network, Internet connection or cloud based resources).

Pursuant to Federal law, the District has implemented technology protection measures that protect against (e.g. filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. The technology protection measures may be configured to protect against access to other material considered inappropriate for users to access. The District also utilizes software

and/or hardware to monitor online activity of users to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors.

The Superintendent or designee may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures, or to enable access for *bona fide* research or other lawful purposes.

Pursuant to Federal law, users shall receive education and training about the following:

A. safety and security while using email, chat rooms, social media, and other forms of direct electronic communications;

B. the dangers inherent with the online disclosure of personally identifiable information;

C. the consequences of unauthorized access (*e.g.*, "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by users online; and

D. unauthorized disclosure, use, and dissemination of personally-identifiable information regarding minors

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and will monitor the online activities of students while at school. Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

All users of District Technology Resources (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Users will be assigned a school email account that they are required to utilize for all school related electronic communications.

Students may only use District Technology Resources to access or use social media if it is done for educational purposes in accordance with their teachers' approved plan for such use.

Users who disregard the Policy and these guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District Technology Resources that are not authorized by the Policy and these guidelines.

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AG VII-15. Copyrighted Works.

Article VII, Section 15 of the Board Policies provides that the District shall comply with the federal Copyright Act. The copyright laws, particularly in education, can be confusing and vague. The following guidelines are to assist staff in determining permitted uses of copyrighted material within the District. Staff members are expected before reproducing copyrighted material to determine if the proposed use is permitted under the Copyright Act. If staff members are unable to make such a determination on their own, they should consult with their building principal before beginning any reproduction project.

The Copyright Act provides protection of authorship of all works regardless of their format. These works include the traditional authorship of books, magazines, journal articles, photographs, art works, graphics, video sculpture, music, databases, software, or multimedia and any transformed media into digitized format.

Willful acts of infringement of the copyright laws are prohibited.

Single Copy for Teacher's Use

A single copy from a copyrighted work may be made of the following by or for a teacher for use in teaching, in preparation for teaching, or for scholarly research purposes:

· A chapter from a book;
· An article from a periodical or newspaper;
· A short story, short essay or short poem, whether or not part of a collective work; ·
A chart, graph, diagram, cartoon or picture from a book, periodical, or newspaper.

Multiple Copies for Classroom Use

Multiple copies of copyrighted work, but not to exceed one copy per student in the class, may be made by or for the teacher for classroom use as follows:

- A complete poem if less than 250 words and if printed on not more than two pages;
- An excerpt, containing not more than 250 words, from a longer poem; A complete article, story or essay of less than 2500 words; An excerpt from any prose work of not more than 1000 words or 10% of the work, whichever is less. One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- Certain "special works" in poetry, prose or in "poetic prose" which may combine language with illustrations and which are intended sometimes for children and at other times for a more general audience, not to exceed 2,500 words in their entirety. Such "special works" may not be reproduced in their entirety but an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text may be reproduced.

Exception for Spontaneous Usage

Copying of copyrighted works not specifically provided for above may nevertheless take place in the following limited circumstance:

- The copying is at the instance and inspiration of an individual teacher, and
- The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

General Requirements

Copying of copyrighted works, as permitted above, is not intended to serve as a substitute for the purchase of books or periodicals.

All copies of copyrighted works must include a notice of copyright.

The Superintendent, on behalf of the District, shall maintain full use, rights, and privileges on all software, manuals, devices, documents and programs, and related materials developed by staff during work periods for which they are compensated.

AG VII-16. Privacy of Social Security Numbers.

Except as permitted below, the use, publication, or action that could lead to the disclosure of all or more than four sequential digits of the social security number of a District employee, student, or other individual is prohibited.

The prohibition on the use of all or more than four sequential digits of an individual's social security number does not apply to the following:

1. Use that is required, authorized, or permitted by State or Federal law, rule, regulation, or court order or rule.

2. Use to provide such information to a law enforcement agency, court, or prosecutor as part of a criminal investigation or prosecution.

3. Use in a document sent as part of an application or enrollment process initiated by the individual.

4. Use in a document sent to establish, confirm the status of, service, amend, or terminate an account, contract, policy, or employee or health insurance benefit or to confirm the accuracy of a social security number of an individual who has an account, contract, policy, or employee or health insurance benefit.

5. An administrative use in the ordinary course of a business, by a person or a vendor or contractor of a person, to do any of the following:

a. Verify an individual's identity, identify an individual, or do another similar administrative purpose related to an account, transaction, product, service, or employment or proposed account, transaction, product, service, or employment.
b. Investigate an individual's claim, credit, criminal, or driving history.
c. Detect, prevent, or deter identity theft or another crime.
d. Lawfully pursue or enforce a person's legal rights, including, but not limited to, an audit, collection, investigation, or transfer of a tax, employee benefit, debt, claim, receivable, or account or an interest in a receivable or account.
e. Lawfully investigate, collect, or enforce a child or spousal support obligation or tax liability.
f. Provide or administer employee or health insurance or membership benefits, claims, or retirement programs, or to administer the ownership of shares of stock or other investments.

Note: In addition to these Administrative Guidelines, Sections 1, 3, 4, 9 and 10 of Article VII of the Board Policies, respectively, require the Superintendent to implement an asbestos management plan; an exposure control plan related to bloodborne pathogens; a cardiac emergency response plan; a health, safety and welfare plan; a fire and emergency safety plan; and rules and regulations governing the transportation of students.

Article VIII: Community Relations

AG VIII-2. Freedom of Information Act

In accordance with Board Policy Article VIII, Section 2, the Superintendent has issued procedures and guidelines necessary to implement in the District the Michigan Freedom of Information Act. The FOIA Procedures and Guidelines are attached to these Guidelines as Appendix C. In addition, Michigan law requires the District to publish a written summary of its FOIA Procedures and Guidelines. The written summary is attached to these Guidelines as Appendix B.

AG VIII-4. Complaints.

Complaints about District staff, programs, or practices should be resolved at the lowest possible administrative level. In most cases this will be the building principal.

Complaints can be formal or informal. Informal complaints are often shared with administration through casual interactions and do not require any further action on the part of administration after the interaction ends.

A formal complaint should be in writing and signed by the complaining party or parties. It should set forth the specific acts, conditions, or circumstances of concern, and identify the relief being requested, that is within the authority of the District to grant. A formal complaint may be made to the building principal, another building administrator, or a central office administrator, who will ordinarily refer it to building administration for consideration.

A building administrator should offer to meet with the complainant to discuss a formal complaint Following the meeting, a written, formal response to the complaint shall be provided within 5 school days, either recording the resolution of the complaint or otherwise responding to the complaint.

If the person registering the complaint is not satisfied with the response to the complaint, the person may request that central office administration review the matter. The Superintendent, or the Superintendent's central office designee, shall review the matter, and may meet with the complainant and/or perform an investigation as appropriate. The Superintendent or a designee shall provide a written response within 15 school days of any meeting with the complainant or receipt of the request for review, whichever is later.

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

The parties involved in the complaint will have the opportunity to meet with the Superintendent within 15 school days after the Superintendent receives the designee's decision. The Superintendent will make a decision and notify the citizen, in writing, within 10 school days after: receiving the complaint and the designee's decision, if the parties involved in the complaint have not requested a meeting with the Superintendent; or, within 10 school days of meeting with the parties involved in the complaint.

AG VIII-6. Use of District Facilities.

The Board of Education maintains a policy of allowing the reasonable use, by properly organized and responsible community groups, of its buildings and grounds ("facilities"). The District's facilities have been provided by taxpayers primarily for educational uses, but such facilities may also be available for general community use, particularly for activities of groups that supplement the educational, recreational, cultural, and civic activities of children and the community.

Classification of Users

The school program has first priority in the use of all facilities. The priority of other uses for facilities is divided into four classes. Within each class, the facilities will be made available on a non-discriminatory basis.

A. Class I — School Groups

This classification includes groups whose membership and sponsor are members of the student body, District staff, community education, parent groups sponsored by the school, and/or recognized bargaining units representing District employees, or which have been approved by the Superintendent as supporting the educational needs of or promoting readiness for students potentially entering the District.

B. Class II — Youth Groups

This classification includes groups not affiliated with or sponsored by the District, but which are youth-oriented and whose membership thus largely consists of District students or youth who reside in the District. Examples include the Boy Scouts and Girl Scouts, Little League or other youth athletic organizations.

C. Class III — Other Non-Profit Community Groups

This classification includes not-for-profit groups whose membership largely consists of members of the community who are not students of the District or who reside in the District. Examples include civic organizations, local government agencies, and other recreational activities.

D. Class IV — Other Groups

Other groups, including profit-making organizations, will be permitted to use District facilities when the anticipated use is not harmful to the public image of the District, as determined by the Superintendent or designee in his or her discretion, and will not result in misuse, overuse, or abuse of school property.

General Regulations

A. To avoid disruption of the school day and school activities, District facilities will be available to groups in Classes II, III, and IV beginning not less than fifteen (15) minutes after the conclusion of the school day, or on days (such as weekends) on which school is not in session. Notwithstanding this provision, units of government shall be permitted to use District facilities during school hours to conduct Federal, State, or local elections.

B. Use of District facilities shall be subject to the schedule of fees and/or rental charges established from time to time by the Superintendent. The Superintendent or designee may waive or permit reduced fees and charges for Class I or II groups.

C. No activities shall be conducted in or upon District facilities until an application for such use has been submitted to and approved by appropriate District representatives. Applications shall be made upon a form provided by the District, and shall first be submitted to the building principal to establish and approve the availability of the facility. Upon receipt of building approval, the application shall be forwarded to the _____for final approval. The District reserves the right to reject a usage application submitted by a group which has previously damaged or destroyed school property, or which has acted contrary to its usage permit, these regulations, or law.

D. A copy of the application approved at both the building and District level shall constitute a penult for the approved use. No variation from the terms of the permit by the permit holder will be allowed. Changes are allowed as follows:

1. When unforeseen circumstances require the school to use a facility for which a permit has been granted, or when maintenance or other work must be done in or about the facility in order to permit normal school operation to continue, the District may cancel the permit. The District shall notify the permit holder of such cancellation as soon as possible. In the event of such a cancellation of the permit, the District shall return any prepaid rental and application fee to the permit holder.

2. An organization, which has been granted a permit, may cancel its use by notifying the District in writing at least ten (10) calendar days before the scheduled time for use. If cancellation occurs more than ten (10) days before the scheduled use, any prepaid rental and application fee shall be returned to the permit holder. A permit holder will be responsible for the full rental and application fee if it fails to give ten (10) days notice of cancellation.

E. The following terms and conditions are incorporated in each application and permit:

1. The permit holder is responsible for supervising the activities of persons using the facility for which it has obtained a permit, and shall take reasonable steps to prevent injuries or damage to persons and property.

2. The District shall be fully released from and indemnified against any and all liability and costs whatsoever to persons or property for injuries or damages resulting from the use of the facilities described in the permit, or any other use to which the permit holder puts the facility.

3. The permit holder will reimburse the District for the full cost of repairing any damage, over and above ordinary wear, to the facility during the permit holder's use of the facility, including damage caused by any member of the public.

4. Liability insurance coverage, as the District may require, shall be obtained at the user's cost. Such insurance shall be in a fain' acceptable to District administrators, and a certificate of insurance coverage shall be furnished to the District upon request. If deemed necessary by the District, the user shall provide a reasonable security deposit and/or security measures (including, without limitation, security personnel) as directed, at the user's cost.

5. The District shall be fully indemnified and released from any claim asserted by a municipality for reimbursement of additional expense for fire and/or police protection resulting from the use of a facility by an organization or individual.

6. No permit holder shall assign or sublease its permit without prior written approval of the Superintendent or designee.

7. Permit holders shall not use a District facility as their mailing address.

8. The permit holder shall indicate in all literature and other promotional materials in connection with the event to which the permit applies that the permit holder is not affiliated with the District, and shall not use an image or the name of the District or facility in materials promoting the event to which the permit applies.

F. Permits granting use of a facility expire with the close of the school year on June 30. Annual, seasonal, and extended time use applications should be submitted at least two (2) months before the proposed starting date of the use.

G. The District reserves the right to use, for any purpose, any portion of a facility not specifically reserved by the permit at the same time the permit is in effect.

H. A permit holder shall not serve food during an event unless proper licensing has been secured from the Allegan County Department of Health. The public sale of materials, except as incidental to the program for which a permit has been issued, is prohibited on District premises.

I. The school principal must approve any decorations erected in connection with a permitted use. Any such decorations must also satisfy any legal requirements of the State of Michigan and local municipalities. Approved decorations must be erected so as not to damage or destroy District property. Decorations shall be removed from the facility by the permit holder before 8:00 a.m. on the day after the use.

J. With respect to fire prevention and safety:

1. Smoking on school property is prohibited.

2. Use of open flames at a District facility, except as part of the school curriculum, is prohibited.

3. Exits and corridors must be kept free of obstructions to ingress and egress.

K. The possession or use of alcoholic beverages on school property is prohibited.

L. Permit holders shall not use District supplies or materials. Permit holders' supplies and materials may be stored in a District building only with the permission of the building administrator.

M. Permit holders may use District equipment only if and to the extent stated in the permit.

N. Appropriate shoes must be worn by participants using gymnasium floors.

O. A use permit is subject to immediate cancellation if these regulations or any other requirements imposed by the District are not followed, or if there is a violation of law while District facilities are being used.

AG VIII-7. School Visitors.

Resident and parent visits shall be made in accordance with the following guidelines:

A. Visits shall normally be scheduled with the teacher and the building principal to the extent possible. Unscheduled visits are discouraged.

B. Such visits are for the purpose of becoming acquainted with school instruction, programs, personnel, operation, and/or the facility.

C. Visitors shall refrain from giving directions or making evaluations of personnel or operating procedures during their visits.

D. If a school visit leaves a visitor with a concern, this concern should be discussed first with the building principal, and then the Deputy Superintendent or Superintendent.

E. Board members who have children in the schools and therefore have parental opportunities to converse with their child's teacher, counselor, or administrator shall make it clear that they are speaking and/or visiting as a parent and not as a member of the Board.

AG VIII-9. Advertising; Distribution or Posting of Information.

An "outside organization" is defined as any organization or individual that is not officially affiliated with the District or an individual school or department or a Recognized Student Group within the school system. NOTE: All parent support groups (e.g. parents' clubs, booster clubs, PTOs, Kids Club or equivalent, and community services are officially affiliated with the District).

Materials from outside organizations or individuals may be distributed to students and/or staff as follows:

A. Materials may be posted on a District electronic bulletin board through application to the Superintendent's office and payment of a designated fee. The electronic bulletin board is open to both for-profit and non-profit organizations offering educational or recreational opportunities for youth and parenting programs. The following disclaimer will appear on the electronic bulletin board:

Information posted on this electronic bulletin board is provided as a community service. All organizations posting information on this site have applied to the District.

B. Materials that have been approved by the Superintendent's office and posted on the electronic bulletin board may also be displayed on designated school literature racks or counters provided that the racks or counters post a sign with the disclaimer listed in A above.

C. No materials from outside organizations may be distributed in student backpacks, attached to school newsletters, announced on district public address systems or video systems, displayed on district bulletin boards (except as noted above) or walls, transmitted on district television channels, placed in staff mailboxes, or printed on school system photocopiers or computer printers, except that such means may be used in the following limited circumstances:

1. Materials publicizing programs that are sponsored by or co-sponsored by the District in collaboration with other organizations, may be distributed by these means provided that such materials are approved by the Superintendent or designee. The Superintendent or designee will notify building administrators to let them know that the materials have been approved for distribution.

2. Materials publicizing programs offered by student-led after-school programs in accordance with the Federal Equal Access Act may be distributed by these means, provided that such materials have been reviewed and approved by the Superintendent or designee. The Superintendent or designee will notify building administrators to let them know that the materials have been approved for distribution.

Nondiscrimination Policy

The district operates as a limited open forum. Therefore, decisions regarding distribution of materials must be conducted in a neutral and nondiscriminatory manner.

AG VIII-10. Volunteers.

In Article VIII, Section 10 of its policies, the Board recognizes the value of volunteers. The Board states, however, that District administrators shall be not be required to accept a volunteer whose history or skills are not in accord with District standards and needs. No person has a right to volunteer in a school or a program in the District, and the decision of whether to accept a particular volunteer is left to the sound discretion of District administration.

Volunteers who have completed the required pre-screening process and are otherwise approved by District administration are subject to all Board policies and District guidelines while on duty as a volunteer, and may be asked to sign a form recognizing these obligation

Appendix A

Otsego Public Schools

Freedom of Information Act
Procedures and Guidelines

All persons are entitled to full and complete information regarding governmental decision-making, including decision-making in the District, consistent with the Michigan Freedom of Information Act (the "FOIA" or the "Act").

For purpose of this procedure, a "public record" means: a writing prepared, owned, used, in the possession of, or retained by the District in the performance of an official function, from the time it is created. Public record does not include computer software.

GENERAL INFORMATION

A. All officers, employees, and agents of the District shall protect public records from loss, unauthorized alteration, mutilation, or destruction.

B. The Board has designated the Administrative Assistant to the Superintendent as the "FOIA Coordinator" with the authority and responsibilities stated in the Act and these procedures and guidelines.

C. The FOIA Coordinator shall be responsible to accept and process all written requests for public records under the Act and shall be responsible for approving a denial under Section 5 of the Act (M.C.L. 15.235). The Coordinator may designate an alternate Coordinator to act when the Coordinator is unavailable.

D. These procedures and guidelines regarding time frames, appeals, and fees do not apply to public records prepared for, or disclosed pursuant to another act or statute (i.e., requests for medical records made pursuant to the Public Health Code, or requests made pursuant to the Public Employment Relations Act or the Bullard-Plawecki Employee Right to Know Act, etc.).

WRITTEN REQUESTS

A. All individuals desiring to inspect or receive a copy of a public record shall make a written request to the FOIA Coordinator that describes the public record sufficiently to enable the FOIA Coordinator, or his/her designee, to identify and locate the public record.

B. The FOIA Coordinator, or any other designee, is not required to respond to oral requests for public records, but may do so for routine requests that can be granted immediately.

C. If a written request is received directly by a District employee other than the FOIA Coordinator, the original shall be promptly forwarded to the FOIA Coordinator. The date the FOIA Coordinator receives the request shall be considered the date the request is validly received by the District, for the purpose of determining when a response is due.

D. A written request made by facsimile, electronic mail, or other electronic transmission is not received by the FOIA Coordinator until one (1) business day after the electronic submission is made. If a request is delivered to a spam or junk mail folder, the request is not received by the FOIA Coordinator until one (1) business day after it is discovered and forwarded to the FOIA Coordinator.

E. Upon receiving a written request for a public record pursuant to these procedures and guidelines, a person or entity has the right to inspect, copy, or receive copies of the requested public record (s), unless the requested public record is exempt from disclosure pursuant to Section 13 of the Act (M.C.L. 15.243), as amended. If the exempt status of any request is questioned, legal counsel may be consulted. New public records, compilations, summaries, and/or reports of information shall not be created in response to a FOIA request.

F. Upon request for public inspection, the FOIA Coordinator, or any other designee, shall furnish a requestor a reasonable opportunity for inspection and examination of the requested public records, subject to applicable exemptions, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during regular business hours.

G. A requestor may stipulate that the public records be provided on non-paper physical media, electronically mailed, or otherwise electronically provided to him/her in lieu of paper copies. Notwithstanding the foregoing, such stipulation must be within the technological capabilities of the District.

H. A person or entity may subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to six (6) months, at the request of the subscriber, and shall be renewable.

I. If a requested public record may be obtained on the District website or webpage, the FOIA Coordinator shall notify the requestor in writing of such availability and provide the direct internet address or link to obtain such public record. If, after receiving such written notification from the FOIA Coordinator, the requestor notifies the District that s/he continues to want the District to provide a copy of the available public record, in any format, the District shall process such request and may impose additional labor costs as specified below.

REQUEST PROCESSING

When the District receives a written request for a public record, the FOIA Coordinator, or any other designee, shall, in not more than five (5) business days after the District receives the request, respond to the request by one of the following:

A. grant the request;
B. issue a written notice to the request or denying the request;
C. grant the request in part and issue a written notice to the requestor denying the request in part;
D. issue a written notice extending, for not more than ten (10) business days, the period during which the District shall respond to the request.

For purposes of computing the deadline to respond to a request under this policy, the term "business day" shall include any day that is not a Saturday, Sunday or State of Michigan official holiday, regardless of whether the District is open for business on that day.

Any failure to respond to a written request as provided for above constitutes the District's determination to deny the request.

Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A denial response should contain the following:

A. An explanation of the basis under the Act or other statute for the determination that a public record (s), or portion(s) thereof, is exempt from disclosure, if that is the reason for denying all or part of a request.

B. A statement that the public record(s) do not exist under the name/description given by the requestor or by another name reasonably known to the District.

C. A description of a public record(s) or information on a public record that is separated or deleted if such separation or deletion is made.

D. A full explanation of the requestor's right to either file an appeal with the Board of Education's designee, the Standing FOIA Review Committee, or seek judicial review of the denial pursuant to Section 10 of the Act (M.C.L. 15.240).

E. Notice that a requestor may receive attorneys' fees and damages pursuant to the Act if the court determines that the District has not complied with Section 5 (M.C.L. 15.235) of the Act and orders disclosure of all or a portion of a public record.

DEPOSIT & FEES

Fees for responding to any request shall include duplication (copying) costs and mailing costs. Duplication (copying) costs shall beset from time to time by resolution of the Board

of Education in an amount that does not exceed $0.10 per page (8 ½ x 11 and 8 ½ x 14). The District shall use the most economical method of duplication (i.e., double-siding, etc.) and the least expensive form of postal delivery, unless a more expensive method is specifically requested by the FOIA requestor.

The cost of hourly labor may also be charged if the failure to do so will result in unreasonably high costs to the District because of the nature of the request in a particular instance. If such is the case, the District shall specifically identify the nature of these unreasonably high costs. For purposes of these procedures and guidelines, "unreasonably high costs" shall generally mean calculated labor costs that are estimated to exceed $50.00, inclusive of salary or wage and fringe benefits.

Labor costs shall include the cost of the search, examination, review, separation, and/or deletion of exempt information from non-exempt information in order to fulfill a request.

Labor costs will be calculated using the wage of the lowest paid the District employee capable of searching for, locating, and examining the public record(s), regardless of whether that person is available or actually performs the labor. Labor costs shall be charged in increments of at least fifteen (15) minutes or more with all partial time increments rounded down. The District may also add up to fifty percent (50%) to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. If it does so, it will clearly note the percentage multiplier used to account for benefits in the detailed itemization form. Subject to the fifty percent (50%) limitation, the District shall not charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits. Notwithstanding the foregoing, 100% of fringe benefit costs may be added to the applicable labor charge if a requestor is notified in writing that public records are available on the District's website or webpage and the requestor continues to request that the District provide a copy, in any format, of the available public record.

Overtime wages shall not be included in the calculation of labor costs unless the requestor specifically approves the use of overtime in writing, and overtime wages are clearly noted in the detailed itemization form.

If the District does not employ a person in-house who is capable of separating exempt from non-exempt information in a particular instance, as determined by the FOIA Coordinator, it may utilize an outside contractor. In those instances, the District shall clearly note the name of the contractor or firm on the detailed itemization form. The cost of the contractor's labor, including necessary review directly associated with separating and deleting exempt information from non-exempt information, shall not exceed an amount equal to six (6) times the State minimum hourly wage rate.

The District will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

The District may require a good faith deposit (not to exceed fifty percent (50%) of the total labor and duplication costs) from the requestor, if the total estimated fee exceeds $50.00. A request for a good faith deposit shall include a detailed itemization of the fee the District estimates or charges pursuant to the Act. Additionally, a request for a good faith deposit shall include a best efforts estimate regarding the time frame it will take to comply with the Act in providing the public records to the requestor. The District may require a 100% deposit from a requestor who has not previously paid a fulfilled FOIA request, provided the requirements in Section 5 of the Act are met.

All fees and deposits calculated under these procedures and guidelines shall be listed within a detailed itemization form that shall be provided to the requestor.

Pursuant to Section 4(2) of the Act, the District shall search for and furnish a copy of a public record without charge for the first $20.00 of the fee for each request made by either of the following:

A. An individual who is entitled to information under the Act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing an inability to pay the cost because of indigence. If an individual is ineligible for a discount, then the District will inform the individual of the specific reason for the ineligibility in its written response. The right to financial assistance for indigent individuals shall not apply where:

    1. an individual has received discounted copies of public records from the District twice during the calendar year; or

    2. an individual requests information in conjunction with outside parties who are offering or providing payment, or other remuneration to the individual to make the request.

B. A non-profit organization formally designated by the State to carry out activities under Subtitle C of The Developmental Disabilities Assistance And Bill Of Rights Act of 2000, Public Law 106-402, and The Protection And Advocacy For Individuals With Mental Illness Act, Public Law 99-319, or their successors provided the following requirements are satisfied:

    1. the request is made directly on behalf of the organization or its clients;

    2. the request is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, M.C.L. 330.1931; and

    3. the request is accompanied by documentation of its designation by the State, if requested by the District.

The District may waive any charges if the FOIA Coordinator determines the cost is *de minimis*. For purposes of these procedures and guidelines, "*de minimis*" shall mean a calculated fee that is estimated to be less than $10.00, inclusive of labor costs, duplication and mailing.

FEE DISPUTE APPEAL

If the requestor believes the fee estimated or charged for the request exceeds the amount permitted under these procedures and guidelines or Section 4 of the Act, the requestor is required to submit to the Superintendent, as designee of the Board of Education, written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under these procedures and guidelines or Section 4 of the Act. Within ten (10) business days after receiving a written appeal, the Superintendent shall do one of the following:

A. Waive the fee.

B. Reduce the fee and issue a written determination to the requestor indicating the specific basis under Section 4 of the Act that supports the remaining fee. The determination shall include a certification from the Superintendent that the statements in the determination are accurate and that the reduced fee complies with these procedures and guidelines and Section 4 of the Act.

C. Uphold the fee and issue a written determination to the requestor indicating the specific basis under Section 4 of the Act that supports the required fee. The determination shall include a certification from the Superintendent that the statements in the determination are accurate and that the fee complies with these procedures and guidelines and Section 4 of the Act.

D. Issue a notice extending, for not more than ten (10) business days, the period during which the Superintendent shall respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The Superintendent shall not issue more than one notice of extension for a particular written appeal.

E. If a requestor disagrees with the District's determination, the requestor may commence an action in Circuit Court in _____County within forty-five (45) days of the public body's determination, to seek a fee reduction.

RIGHT TO APPEAL A DENIAL OF A PUBLIC RECORD REQUEST

If a requestor desires to appeal a denial of a request for a public record, in whole or in part, the requestor may submit a written appeal to the Board, or may seek judicial review of the denial, pursuant to Section 10 of the Act (M.C.L. 15.240). A written appeal to the Board shall specifically state the word "appeal" and identify the reason(s) for reversal of the denial. The appeal shall be considered by the Board's Standing FOIA Review Committee,

to consist of three (3) Board members appointed on an annual basis in accordance with Board bylaws. Within ten (10) business days after receiving a written appeal, the Standing FOIA Review Committee shall do one of the following:

A. Reverse the disclosure denial.

B. Issue a written notice to the appellant upholding the denial.

C. Reverse the denial in part and issue a written notice to the appellant upholding the denial in part.

D. Under unusual circumstances, issue a notice extending, for not more than ten (10) business days, the period during which the Committee shall respond to the written appeal. The Board shall not issue more than one (1) notice of extension for a particular written appeal.

E. The Standing FOIA Review Committee is not considered to have received a written appeal until the Board's next regularly scheduled meeting after the appeal is submitted. The Committee shall thereafter rule on the appeal within the time limits established above.

F. Any failure to respond to an appeal shall be considered a decision to uphold the denial. If an appeal is denied in whole or in part by the Board, the appellant may seek judicial review of the nondisclosure by commencing an action in Circuit Court in Allegan County.

Appendix B

Otsego Public Schools

Written Public Summary of the District's FOIA Procedures and Guidelines

1. How do I submit a FOIA request to the District?

• Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the District must be submitted in writing.
• A request must sufficiently describe a public record so as to enable the District to find it.
• No specific form to submit a written request is required.
• The District's FOIA Coordinator is appointed by the Board of Education. The current FOIA Coordinator is _____.
• Written requests can be made in person by delivery to the District's Administration Building, attention FOIA Coordinator, in person or by mail.
• A request may also be submitted by e-mail. To ensure a prompt response, e-mail requests should contain the term "FOIA" or "FOIA Request" in the subject line and be sent to___.

2. What kind of response can I expect to my request?

• Within 5 business days of receipt of a FOIA request the District will issue a response. If a request is received by e-mail the request is deemed to have been received on the following business day. The District will respond to your request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying the request in part.
- Issue a notice indicating that due to the nature of the request the District needs an additional 10 business days to respond.
- Issue a written notice indicating that the public record requested is available at no charge on the District's website.

• If the request is granted, or granted in part, the District will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing the request is expected to exceed $50, or if you have not paid for a previously granted request, the District will require a deposit before processing the request.

3. What are the District's fee deposit requirements?

• If the District has made a good faith calculation that the total fee for processing the request exceeds $50.00, it will require that you provide a deposit in the amount of 50% of the total

estimated fee. When the District requests the deposit it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the District of your deposit.

• If the District receives a FOIA request from a person who has not paid the District for copies of public records made in fulfillment of a previously granted written request, the District will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:

- the final fee for the prior written request is not more than 105% of the estimated fee;
- the public records made available contained the information sought in the prior written request and remain in the District's possession;
- the public records were made available to the individual, subject to payment, within the time frame estimated by the District to provide the records;
- 90 days have passed since the District notified the individual in writing that the public records were available for pickup or mailing;
- the individual is unable to show proof of prior payment to the District; and
- the District has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.

• The District will not require the 100% estimated fee deposit if any of the following apply:

- the person making the request is able to show proof of prior payment in full to the District;
- the District is subsequently paid in full for all applicable prior written requests; or
- 365 days have passed since the person made the request for which full payment was not remitted to the District.

4. How does the District calculate FOIA processing fees?

• A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the District because of the nature of the request in the particular instance, and the District specifically identifies the nature of the unreasonably high costs.

• The FOIA statute permits the District to assess and collect a fee for six designated processing components. The District may charge for the following costs associated with processing a request:

- Labor costs associated with searching for, locating and examining a requested public record.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information from that which is disclosed.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.

- The cost of duplication or publication, not including labor, of paper copies of public records.
- Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- The cost to mail or send a public record to a requestor.

- Labor Costs

  - All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
  - Labor costs will be charged at the hourly wage of the lowest-paid District employee capable of doing the work in the specific fee category, regardless of who actually performs work.
  - Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.

- Non-paper Physical Media

  - The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
  - This cost will only be assessed if the District has the technological capability necessary to provide the public record in the requested non-paper physical media format.

- Paper Copies

  - Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed $.10 per sheet of paper. Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.
  - The District may provide records using double-sided printing, if cost-saving and available.

- Mailing Costs

  - The cost to mail public records will use a reasonably economical and justified means.
  - The District may charge for the least expensive form of postal delivery confirmation.
  - No cost will be made for expedited shipping or insurance unless requested.

5. How do I qualify for a reduction of the processing fees?

• The District may (but is not required to) waive or reduce the fee associated with a request when the District determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.

• The District will waive the first $20.00 of the processing fee for a request if you submit an affidavit stating that you are:

- indigent and receiving specific public assistance; or
- if not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.

• You are not eligible to receive the $20.00 waiver if you:

- have previously received discounted copies of public records from the District twice during the calendar year; or
- are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

• An affidavit is a sworn statement. For your convenience the District has provided an Affidavit of Indigency form for the waiver of FOIA fees on its website.

• The District will waive the fee for a nonprofit organization which meets all of the following conditions:

- the organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
- the request is made directly on behalf of the organization or its clients;
- the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
- the request is accompanied by documentation of the organization's designation by the State.

6. How may I challenge the denial of a public record or an excessive fee?

Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file an appeal of the denial with the District's Board of Education. The appeal must be in writing, specifically state the word "appeal," and identify the reason or reasons you are seeking a reversal of the denial. Appeals to the Board will be considered and decided by the Board's Standing FOIA Review Committee. Within 10 business days of receiving the appeal, as defined below, the Review Committee will respond in writing by:

- reversing the disclosure denial;
- upholding the disclosure denial; or
- reverse the disclosure denial in part and uphold the disclosure denial in part.

The Review Committee is not considered to have received an appeal until the Board of Education's next regularly scheduled meeting after the appeal is submitted.

Whether or not you submitted an appeal of a denial to the Review Committee, you may file a civil action in Allegan County Circuit Court within 180 days after the District's final determination to deny your request. Should you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that GPPSS acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of $1000.00.

Appeal of an Excessive FOIA Processing Fee

If you believe that the fee charged by GPPSS to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Superintendent. The appeal must be in writing, specifically state the word "appeal," and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the Superintendent will respond in writing by:

- waiving the fee;
- reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Superintendent will respond to the written appeal.

Within 45 days after receiving notice of the Superintendent's determination of the processing fee appeal, you may commence a civil action in

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County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or an appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the District acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of $500.00.