



## **Wayne-Westland Community Schools**

# **ADMINISTRATIVE REGULATIONS**



## **Miller Johnson School Policy Services**

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## PREFACE

The Administrative Regulations that follow are designed to support or implement the policies that have been adopted by the Board of Education. They are collected and presented here for ease of reference. Once an administrative regulation has been finalized and approved by the Superintendent, it will be included within the Board of Education Policy Manual, or online compilation of Board Policies. Any reference herein to the Superintendent shall be understood to encompass the Superintendent and/or his/her designee, unless otherwise specifically stated.

**Age of Admittance** The Michigan Revised School Code includes the dates by which a child must reach school age in order to be eligible to enroll in kindergarten or first grade.

**Documentation.** Prior to admission, a parent/guardian who seeks to enroll a child in school shall provide proof of the child's age. A certified copy of a birth certificate shall be presented. In the event that a birth certificate cannot be obtained, the parent/guardian shall explain the reason to the enrollment official. The parent/guardian may then prove the child's age through such other documents or means as are found to be acceptable by the enrollment official, under the particular circumstances.

A parent/guardian enrolling a student in the School District at other than the kindergarten or first grade level shall present records from the last school district attended by the student, documenting his/her age and grade level.

**Early Enrollment.** In certain circumstances, the School District may, at the request of a parent or guardian, consider a child for early enrollment. Application shall be made to the Superintendent of Schools. Consideration for early enrollment will involve, among other factors, the child's:

- Test scores on relevant standardized tests;
- Preschool history and experience;
- Eye-hand coordination; and
- Verbal and quantitative reasoning abilities.

The decision of the Superintendent of Schools on whether to permit early enrollment is final.

**Resident Students** Michigan law prescribes which students have the right to attend school in the School District as resident students. Proof of residency within the School District shall be established as follows:

Homeowners:

1. A deed to the residential property, showing the name of the person seeking to enroll the student as grantee, or a land contract reflecting that person as vendee; or
2. A current property tax statement, issued in the name of that person; or
3. A signed lease showing the name of the person seeking to enroll the student as tenant.

In addition to the above, a person seeking to enroll a student as a resident student shall supply a current utility bill issued in the name of the person, one additional official document addressed to the person at the address claimed to be the residence, and picture identification.

**Nonresident Students** In certain circumstances, nonresident students have the right, or may be permitted, to enroll in the School District.

**Schools of Choice.** The Board of Education may choose to permit the enrollment of nonresident students through an inter-district schools of choice program. If the Board decides to participate in schools of choice for a given school year, the following process will be utilized:

- A separate application must be completed for each nonresident student seeking to enroll.
- Applications must be submitted within the application period, which will be identified on the School District website. No applications will be accepted after the deadline.
- Applications will be reviewed by the School District, using only the criteria set forth in the pertinent provisions of the State School Aid Act.
- Applicants will be notified, in writing, of their selection/non-selection within ten (10) business days of the application deadline.
- If accepted, an enrollment packet must be completed and returned to the School District by the enrollment deadline, which will be included in the letter of acceptance.
- A waiting list will be prepared for students who meet enrollment criteria but for whom there is not a currently available slot. A student's name will remain on the waiting list until the close of the school year for which application was made.

**Tuition Students.** In lieu of, or in addition to, schools of choice, the Board of Education may decide to permit the enrollment of nonresident students on a tuition basis. If a tuition based enrollment program is established, the following process will be followed:

- A separate application must be completed for each nonresident student seeking to enroll.
- Applications must be submitted within the application period, which will be identified on the School District website. No applications will be accepted after the deadline.
- Applications will be reviewed by the School District, using similar criteria to those set forth in the pertinent provisions of the State School Aid Act. The criteria used may not be identical to those under the State School Aid Act, but will, in all cases, be nondiscriminatory in nature.
- Applicants will be notified, in writing, of their selection/non-selection within ten (10) business days of the application deadline.
- If accepted, an enrollment packet must be completed and returned to the School District by the enrollment deadline, which will be included in the letter of acceptance.
- A waiting list will be prepared for students who meet enrollment criteria but for whom there is not a currently available slot. A student's name will remain on the waiting list until the close of the school year for which application was made.

**Foreign Exchange Students** The following procedures govern the admission of foreign exchange students to the School District. This process applies both to students requesting to enroll in the School District under the sponsorship of an approved foreign exchange organization and those seeking to enroll through an exchange program directly supported by the School District. A foreign exchange student who is accepted for enrollment will be required to follow the rules and regulations of the School District, and the particular school to which he/she is assigned, including such matters as attendance, completion of school work and compliance with the applicable student code(s) of conduct.

The School District may limit the number of foreign exchange students to be enrolled for a particular school year and may also limit the number of students to be enrolled from a particular country.



**Foreign Exchange Student Organizations.** Each year, the School District will review and evaluate foreign exchange student organizations desiring to place students in the School District. To be considered for approval the organization must provide the School District with the following information:

- Evidence of approval by the United States Department of State;
- Evidence of the organization's current affiliation with the Council on Standards for International Education Travel (CSIET).
- The organization's most recent brochure describing its programs;
- The name, address and telephone number of the organization's local representative for the geographic area in which the School District is located;
- Proof of health, accident, and bonding insurance;
- A minimum of two host family references, including names, addresses, and phone numbers.

**Visa Requirements.** Each student seeking to enroll in the School District as a foreign exchange student shall have either an F-1 or J-1 Student Visa. The following requirements apply:

*J-1 Students.*

- A. In order to enroll, a J-1 exchange student may not have already graduated from a high school, or its equivalent.
- B. The student must reside with a host family or sponsoring family approved by the sponsoring exchange program while enrolled in the School District.
- C. A transcript of the student's grades is required prior to acceptance for enrollment and attending any classes. Average to above average grades are expected in order for a student to be enrolled.
- D. The student shall have demonstrated competence in the English language to permit participation in the regular educational program without special staff assistance and the ability to use textbooks and other instructional materials printed in English.
- E. The School District will not provide any form of special tutorial help in English proficiency or academic assistance to a foreign exchange student. If tutorial assistance is necessary, it shall be arranged or provided by the sponsoring organization at no cost to the School District.
- F. An immunization record and a student health report completed by a physician in the student's home country shall be submitted, and must satisfy all requirements of the State of Michigan.
- G. Verification of health and accident insurance coverage, satisfactory to the School District, is required.
- H. A fully completed application, together with a letter of recommendation from the student's school principal, is required.

The School District will review all documentation presented and make a decision whether to accept the foreign exchange student. Sponsoring organizations or students who are working directly with the School District will be notified no later than June 30<sup>th</sup> whether they have been accepted for enrollment for the ensuing school year.

**Homeless Students** The Superintendent has appointed a Family Resource Center Coordinator to serve as the School District's Homeless Liaison, to work with homeless students and their parents or guardians. The responsibilities of the Liaison will include, but are not limited to:

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

All school personnel and persons or agencies known to work with homeless families will be informed of the identity and contact information of the Liaison.

## **2000.02-AR Learning and Achievement**

As expressed in Board Policy 2000.02, the core function of the School District is to educate students to prepare them to become productive and responsible citizens and adults.

**Placement** The responsibility for placing students in schools, grades and courses rests with the Superintendent and building administrators, following consultation with the parents. Various factors will be considered in deciding such matters, including:

- The student's academic achievement and ability as reflected in scores on standardized tests;
- The student's academic performance in School District classes or while enrolled in another school district;
- The chronological age of the student;
- The social maturity of the student; and
- In accordance with Board policy and MCL 380.1280f (the Third Grade Reading Law statute).

Parents/guardians will be given the opportunity to discuss placement with the appropriate administrator before a final decision is made.

**Promotion and Retention** It is the expectation that students will regularly advance from their current grade level to the next grade level for the ensuing school year. In order to assure that possible retention of a student is given careful consideration, the following process will be followed:

- Each teacher shall identify those students who are not meeting grade level objectives in one or more subjects and provide the information to the building principal by the end of each October, January and March.
- For each student who has been identified, the following actions will be taken at the end of each reporting period:
  1. The teacher, principal and counselor will meet to review the student's academic record, current test scores and work samples.
  2. Following the review, the parent/guardian will be informed that the student is not meeting grade level objectives. The parent/guardian will be further informed that the student may be retained in the same grade unless there is improvement in the student's work. At the parent/guardian's request, a meeting will be scheduled to discuss the concerns.
  3. Where a meeting with the parent/guardian is held, a follow-up conference will be scheduled with the principal or the principal's designee within thirty (30) days to review the student's progress.
- In deciding whether a student should be retained, the building principal will consider the student's:
  1. Academic achievement in all subject areas, especially attainment of grade level objectives, as determined by tests, teacher assignments, and work samples;
  2. Chronological age;
  3. Attendance;
  4. Social and emotional maturity;
- Written notification of retention will be sent to the parent/guardian.
- Parents/guardians who wish to appeal a decision regarding a student's retention must first contact the building principal with appeal rights to the Superintendent.

**Progress Reports and Grades** The primary purpose of progress reports and grades is to summarize student achievement at a particular point in time. Grades will reflect the level of achievement on assessments that have been given to date. Skills and behaviors that support learning, such as effort, attendance, participation, behavior, and attitude, may be reported separately, but are not included in determining the grade for achievement.

**Graduation Requirements** It is the goal of the School District to provide the support necessary so that students are able to meet graduation requirements and receive a high school diploma. The School District recognizes that a small number of students will be unable to satisfactorily complete the required coursework, assessments and other criteria that have been established. The School District will regularly provide information to parents/guardians of students for whom the School District recommends that alternatives to a regular diploma should be considered.

**Full-Time Status** A student is considered to be full-time if s/he is enrolled as follows:

- For high school students: six (6) courses, totaling at least six (6) credits per school year.
- For middle school students: six (6) courses.
- For elementary school students: six (6) courses.
- For the Tinkham Educational Center: four (4) courses per quarter.

**Board-Approved Courses** The School District will adopt a list of Board-approved courses offered for credit or grade promotion. The list will include traditional course offerings and courses offered through other means, such as experiential learning courses, online courses, courses offered in share time programs, etc. In addition, the list will include the extended learning opportunities associated with each course and a description of such opportunities.

The School District will maintain a document describing the content of each approved course as well as documentation related to course approval, including the list of Board-approved courses.

## **2000.03-AR Education Records**

### **Student and Family Privacy Rights**

**Personal Information For Marketing or Sale.** The School District shall not administer or distribute to students any survey instrument that is intended to collect personal information for marketing or sale. "Personal information", for the purpose of this regulation, shall mean the name of the student and/or his/her parent/guardian, as well as the student or parents' home address, telephone number or social security number.

**Surveys Requesting Information About Beliefs and Practices.** A student shall not, without the prior written consent of his/her parent or guardian, be required to participate in a survey which makes inquiry into the student's or the student's parents':

- Political or religious affiliations, beliefs or practices;
- Mental or psychological problems;
- Sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating or demeaning behavior;
- Critical appraisals of other individuals with whom the student or the student's parents have close family relationships;
- Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers;
- Income, other than when required by law to determine eligibility for programs or financial assistance.

**Maintenance of Education Records.** The School District maintains various education records concerning currently enrolled students, as well as students who were previously enrolled in the School District. These are:

**Cumulative File (CA-60).** The cumulative folder, commonly referred to as the "CA-60," contains information about a student which is collected and maintained on a regular basis. This includes, among other information:

- Personal identifying information;
- Attendance records;
- Grades and progress reports;
- Standardized test reports;
- Disciplinary actions;
- Immunization status.

**Supplementary Records.** Certain records may be maintained apart from the CA-60. By way of example, this would include documents pertaining to a student who is eligible under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, as well as reports from outside professionals such as physicians and psychologists.

**Access to Student Records** The following procedures have been developed to implement the Family Education Rights and Privacy Act (FERPA) and Board of Education Policy 2000.03, Education Records. Except for "directory information," to be addressed below, the persons who are authorized to access a student's education records are very limited.

**Parents.** Parents of dependent children have the right to inspect the CA-60 and supplementary records of their children, unless those rights have been terminated by a court of law.

**Adult Students.** An adult student (sometimes referred to as an "eligible student") may inspect his/her own CA-60 and any supplementary records.

**School District Staff Members.** School District staff members may be given access to a student's CA-60 and supplementary records only if they have a "legitimate, educational interest" within the meaning of the Family Education Rights and Privacy Act.

**Other Persons, Governmental Agencies and Organizations.** Under the Family Education Rights and Privacy Act, certain persons, governmental agencies and organizations are permitted access to a student's education records in defined circumstances.

**Time.** In most cases, records will be made available for inspection by an authorized person, governmental agency or organization within ten (10) business days from the date of the request.

**Other Agencies or Institutions.** As permitted by FERPA, the School District may forward education records, including disciplinary records, without student or parental consent, to other agencies or institutions in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer and upon receipt of a request for a student's school or education records.

**Directory Information** The Board of Education has the statutory authority to annually designate certain personally identifiable information about students as "directory information." Parents are notified annually

of their right not to have such information released with respect to their student. Absent timely direction by the parent (or an eligible student) that the information is not to be disclosed, directory information may be disclosed, upon request.

**Amendment of Student Records** A parent/guardian or eligible student who believes the educational records for that student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, may ask the School District to amend the records. All such requests should be directed to the building principal.

The principal shall confer with the Superintendent or his/her designee and they shall decide, within ten (10) school days of receipt of the request, whether to amend the record as requested.

If the decision is not to amend the record, the parent/guardian or eligible student shall be informed of that decision and of their right to request a hearing on the request.

Where a hearing is requested, the School District will hold the hearing within ten (10) school days of its receipt of the request. The parent/guardian or eligible student will be provided with reasonable advance notice of the date, time and place of the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented at the hearing by an individual of their choice, including an attorney.

The School District will make its decision in writing within five (5) school days after the close of the hearing. The actions that may follow the decision are:

- If the School District decides, following the hearing, that the information is inaccurate, misleading or violates the student's rights, the School District will amend the record and inform the parent/guardian or eligible student of the amendment, in writing.
- If the School District decides, following the hearing, that the information is not inaccurate, misleading, or otherwise in violation of the student's rights, the School District will inform the parent/guardian or eligible student of that decision and will also inform the parent/guardian or student of his/her right to place a statement in the record commenting on the contested information, stating why he/she disagrees with the School District's decision, or both. If the parent/guardian or eligible student submits such a statement, the School District will keep that statement together with the student's educational records as long as the record is maintained. The statement will be disclosed whenever the School District discloses the portion of the record to which the statement relates.

## **2000.06-AR**

## **Behavior**

As set forth in Board of Education Policy 2000.06, the Board is committed to providing a school environment in which students may receive and staff may deliver educational services without disruption or interference. Students have many rights in the school setting, but these are coupled with certain responsibilities. Some of those rights and responsibilities are set forth immediately below.

### **Student Rights and Responsibilities**

**Interscholastic Athletics.** Student participation in interscholastic athletics is a privilege; not a right. Student athletes are subject to the Student Code of Conduct at all times, as well as the additional disciplinary rules that govern participants who represent the School District as members of an athletic team. These rules will be set forth in an Athletic and Extracurricular Code of Conduct. An athletic responsibility acknowledgment form is required to be signed by the student and his/her parent and returned to the school before the student may participate.

**Transportation.** Student drivers must be licensed and receive permission from the School District in order to park their vehicle on School District property or use their vehicle during the school day. Student drivers must register with the school and park only in designated areas. A student who rides the school bus must abide by the driver's direction and the Student Code of Conduct. Violators face the loss of bus privileges, as well as possible disciplinary action.

Examples of misconduct that may lead to temporary or permanent suspension of bus privileges include, but are not limited to:

- Insubordination;
- Smoking;
- Fighting;
- Profane or Foul Language;
- Destruction of Property; and/or
- Repeated Offenses.

**Student Dress.** The style and manner in which a student dresses while he/she attends school is largely the responsibility of the student and his/her parents/guardians. The District, however, maintains the right to impose reasonable restrictions on dress, where:

- The style of dress or grooming is thought to be disruptive to the educational process; or
- The style of dress or grooming is considered detrimental to the School District's mission and/or the health, safety, or welfare of the student or other students with whom he/she attends school.

**Police Investigations and Arrests.** The School District cooperates with local police authorities in the interest of the welfare of all citizens and the school community. Parents/guardians will be notified if police arrest or wish to question their student in school. The timing of parental notification will depend on the circumstances, taken as a whole.

**Search and Seizure.** From time to time, school property, such as lockers and desks, is assigned to a student. Students do not acquire a reasonable expectation of privacy in such property. The School District reserves the unrestricted right to search and seize property assigned to a student at any time, for any reason, with or without notice to the student. The privacy rights of students shall be respected regarding any items found during a search that are not illegal or otherwise against School District policy.

The School District makes parking available to students who are licensed drivers. This privilege is conditioned on the student's consent, in advance, to the search of their vehicles by School District personnel at any time, for any reason, with or without notice to the student.

School District personnel may, to the full extent permitted by law (e.g., reasonable suspicious/Student Code of Conduct Violation), search and seize students and their personal effects. Illegal items and items inappropriate in the educational environment may be confiscated by School District personnel and, when appropriate, delivered to police authorities.

**Student Bullying** Within Policy 2000.06, Behavior, the Board of Education has adopted a policy on bullying. The Policy is intended to protect students from bullying, including cyberbullying, regardless of the subject matter or motivation for the behavior. In order to implement the bullying policy, the School District has developed the following complaint procedure.

**Complaint Procedure.** A student who believes that he/she has been the victim of bullying should report the incident(s) to the building principal. A student's parent or guardian may also report any such incident(s) on behalf of the student.

Upon receipt of a report (complaint), the principal or his/her designee (the investigator) will conduct a prompt investigation. At the request or with the permission of the complainant, the investigator may first attempt to resolve the matter informally. Any informal steps shall not, however, cause a substantial delay in the investigation. The complainant may, at any time, request that the matter move to a formal investigation.

Where the bullying activity is alleged to have been based on the protected classifications of race, color, sex, national origin or disability, the complainant shall be advised of his/her right to have the incident(s) instead investigated by the School District's designated Coordinator for the particular classification.

**Step 1: Formal Investigation.** The investigator will interview the complainant and document the interview. The complainant may be asked:

- To reduce the complaint to writing;
- To provide the names and contact information, if known, of any persons who witnessed and may be able to substantiate the allegations of the complaint.
- To produce any documents or other things supporting the complaint.

The complainant will be directed not to discuss the complaint with others while the investigation is pending.

The investigator will interview the accused and document the interview. The accused may be asked:

- To reduce his/her response to writing;
- To produce any documents or other things supporting his/her response.

The investigator should not disclose the identity of the complainant unless this is necessary to enable the accused student to respond to the allegations.

The accused should be directed not to contact the complainant, if the complainant's identity is known or suspected, or retaliate or threaten to retaliate in any way against the complainant or any potential witnesses.

In the event of a significant discrepancy between the complainant and the accused, the investigator will interview other persons reasonably necessary to resolve the discrepancy.

## **Step 2: Decision.**

*Complaint Found Valid.* If the investigator concludes that the complaint is valid (i.e., bullying in violation of School District policy has occurred), the following actions will be taken:

- The parent or guardian of both the complainant and the accused will be notified of the results of the investigation.
- The results of the investigation will be reported to the Superintendent.
- The Superintendent, or his/her designee, will initiate disciplinary action in accordance with the Student Code of Conduct.



- The Superintendent, or his/her designee, will determine whether relief to the complainant is feasible and available.

*Complaint Found Not Valid.* If the investigator concludes that the complaint is not valid (i.e., no bullying in violation of School District Policy has occurred, or can be substantiated), the following actions will be taken:

- The parent or guardian of both the complainant and the accused will be notified of the results of the investigation.
- The complainant and the accused will be reminded the School District prohibits retaliation or threats of retaliatory action.
- The results of the investigation will be reported to the Superintendent.
- References to the complaint will be removed from the education records of the accused. The investigator will retain the investigative file for at least three years.

The Superintendent will prepare an annual written report to the Board, including all verified incidents of bullying and the resulting consequences that were imposed.

### **Student Code of Conduct**

**Preamble.** The Student Code of Conduct establishes the rules governing the most serious and obvious types of student misconduct. The prohibited acts listed in this Student Code of Conduct are not to be considered as an all-inclusive list or as a limitation upon the authority of school officials to deal appropriately with violations of a school building's individual rules and regulations, or other types of conduct which interfere with the good order of the school system, the proper functioning of the educational process, or the health and safety of students.

The Student Code of Conduct does not include the School District's attendance and tardiness policies, the School District's requirements for credit and graduation, or the School District's authority to regulate the participation of students in extracurricular and athletic activities.

Each prohibited act listed in the Student Code of Conduct references the discipline which may be imposed for a violation. The discipline for violating some prohibited acts ranges from administrative intervention to expulsion; for other prohibited acts, the penalty ranges from suspension to expulsion; and for violation of the most serious prohibited acts, the penalty is expulsion. In cases where the stated penalty is not expulsion but is set forth in terms of a range, the actual penalty imposed will depend upon the nature and severity of the offense, the particular facts involved, the age of the student, the student's prior behavioral record, the persistent and/or chronic nature of the misconduct, the recommendation of school personnel, and all other circumstances deemed relevant.

A student violating any of the prohibited acts listed in this Student Code of Conduct will be disciplined in accordance with the Code of Conduct. Additionally, a student who engages in a prohibited act which violates law, may be referred to the appropriate police authority.

The prohibited acts and penalties listed below are applicable when a student:

- Engages in a prohibited act on school property;
- Engages in a prohibited act in a motor vehicle being used for a school related purpose;
- Engages in a prohibited act at a school related activity, function or event;

- Engages in a prohibited act en route to or from school;
- Engages in a prohibited act involving another student who is en route to or from school;
- Engages in a prohibited act off school premises, which act, in the judgment of the building administrator, is of such seriousness that the student's continued attendance in school would present a danger to the health and safety of students or employees and/or would substantially interfere with the proper functioning of the educational process; or
- Engages in a prohibited act when the student was not enrolled in the School District or was enrolled in another school district, if the act of misconduct would constitute a sufficient basis for suspension or expulsion had it occurred while the student was attending school in the School District.

**Presumption Against Long-Term Suspension or Expulsion and Consideration of Individual Factors.** Consistent with Michigan law, the School District adopts a rebuttable presumption students should not be disciplined by the imposition of long-term suspension (i.e., more than 10 school days) or expelled (i.e., more than 60 school days) unless the School District has determined, in its sole discretion, the presumption has been rebutted by considering each of the following seven factors:

- The student's age;
- The student's disciplinary history;
- Whether the student is disabled within the meaning of IDEA or ADA/Section 504;
- The seriousness of the student's misconduct or behavior;
- Whether the student's misconduct or behavior threatened the safety of any pupil or staff member;
- Whether restorative practices will be used to address the student's misconduct or behavior; and,
- Whether less severe discipline would properly address the student's misconduct or behavior.

This rebuttable presumption does not apply to short-term suspensions (i.e., 10 school days or fewer) or to a student who possesses a firearm in a weapons free school zone. However, with respect to all out-of-school suspensions and expulsion (short-term or long-term), the School District administrator implementing the suspension, shall consider and document consideration of the seven factors listed above on a form approved by the Superintendent.

**Restorative Practices.** Consistent with Michigan law and in every case, the School District will consider restorative practices as an addition or alternative to suspension or expulsion. Restorative practices are practices that emphasize repairing the harm of the victim and the School District community of a student's misconduct or other behavior. Restorative practices may be considered and implemented by a restorative practices team. The restorative practices team may be constituted and act in the manner described in Section 1310c(2) of the Revised School Code [link] or in a similar manner, depending on the circumstances as a whole in the sole discretion of the School District administrator assigned to handle the misconduct or behavior or the Board of Education (if the Board of Education is handling the misconduct or behavior).

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption and harassment, bullying and cyberbullying.

## Definitions of Discipline.

*Administrative Intervention.* Disciplinary action which does not result in an out-of-school suspension and which includes, but is not limited to, restorative practices. Administrative intervention may include the removal of a student from a class period, in-school suspension, a reprimand, detention and/or work assignment before or after school, additional classroom assignments and revocation of the privilege of attending after school functions and activities, events, etc.

*Snap Suspensions.* If, during a class, subject, or activity, a teacher has good reason to believe a student has engaged in conduct which unquestionably interferes with the education of him/herself or other students, or a student has engaged in conduct which poses a clear and present danger to him/herself or other students, the teacher may suspend the student from that class, subject, or activity for up to one full school day.

*Suspension.* Exclusion of a student from school for fewer than 60 school days or exclusion which will terminate upon the fulfillment of a specific set of conditions.

*Expulsion.* Suspension of a student for 60 or more school days or permanent exclusion of a student from the School District.

## Prohibited Acts.

1. **Failure to Cooperate.** A student shall not refuse to cooperate with School District administrators and/or teaching staff investigating a possible violation of this Code of Conduct and/or building rules, and no student shall make false statements or give false evidence to School District administrators and/or teaching staff. A student shall not refuse to testify or otherwise cooperate with School District personnel in any disciplinary proceeding.

*Penalty.* Administrative intervention to expulsion.

2. **False Allegations.** A student shall not libel or slander, or make false allegations against another student, School District employee (including substitute and student teachers), Board of Education members, or volunteers.

*Penalty.* Administrative intervention to expulsion.

3. **Failure to Comply With Directions of School Personnel.** A student shall not be insubordinate or fail to comply with instructions and directions of School District employees (including substitute and student teachers), volunteers or persons acting as a chaperone or in a supervisory capacity.

*Penalty.* Administrative intervention to expulsion.

4. **Falsification of Records.** A student shall not use the name of another person or falsify times, dates, grades, addresses or other data on School District forms or records. A student shall not provide false, misleading or inaccurate statements or information on School District forms or records.

*Penalty.* Administrative intervention to expulsion.

5. **Scholastic Dishonesty.** A student shall not engage in academic cheating. Cheating includes, but is not limited to, the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. A student shall not engage in plagiarism, which includes the copying of language, structure, idea and/or thought of another and represent it as the student's own original work.

*Penalty.* Administrative intervention to expulsion.

**6. Copyrighted Material**

A student shall not unlawfully duplicate, reproduce, retain or use copyrighted material.

*Penalty.* Administrative intervention to expulsion.

- 7. Improper Communications.** A student shall not make threatening, annoying, nuisance, vulgar and/or obscene communications, verbally, in writing, or by gestures, to School District employees (including substitutes and student teachers), Board of Education members, chaperones, volunteers or visitors to the school building. The prohibition against such communications shall apply whether the communications are made in a school building or on school premises or outside of a school building or off school premises, and regardless of whether such communications are made during, before, or after school hours or during times when school is not in session.

*Penalty.* Administrative intervention to expulsion.

- 8. Indecency.** A student shall not engage in conduct that is contrary to commonly recognized standards of decency and behavior, which includes obscenity, indecent exposure, or the use of language in verbal or written form, or in pictures, or in caricatures or gestures, which are offensive to the general standards of propriety.

*Penalty.* Administrative intervention to expulsion.

- 9. Disruption of School.** A student shall not, by any type of conduct (violence, force, noise, coercion, threat, intimidation, fear, passive resistance, etc.), cause the disruption or obstruction of any function of the school, nor shall he or she engage in any such conduct if such disruption or obstruction is reasonably likely to result. Neither shall a student urge other students to engage in such conduct for the purpose of causing such disruption or obstruction.

While the following acts are not intended to be exclusive, they illustrate the kinds of offenses encompassed within this rule. It should be understood that any conduct which causes disruption, is likely to result in disruption, or interferes with the educational process, is forbidden.

- Occupying any school building, school grounds, or a part thereof, without the permission of a school building staff member, which deprives others of its use;
- Blocking normal pedestrian or vehicle traffic, the entrances or exits of any school building or corridor or room, without the permission of the building principal;
- Preventing, attempting to prevent, or interfering with, the convening or continued functioning of any class, activity, meeting or assembly;
- Instigating or participating in a disturbance, or causing a disturbance, which interrupts the educational opportunities of others or threatens the general health, safety and welfare of others on school property or at a school sponsored activity.

*Penalty.* Administrative intervention to expulsion.

- 10. Discriminatory Harassment.** A student shall not engage in unwelcome sexual advances or requests for sexual favors or unwelcomed sexual touching. A student shall not engage in other verbal or physical conduct relating to a person's sex, race, color, national origin, religion, height,

weight, marital status, or handicap or disability (e.g., sexual or racial comments, threats or insults, etc.).

*Penalty.* Administrative intervention to expulsion.

- 11. Violations of Building's Rules and Regulations.** A student shall not commit or participate in any conduct or act prohibited by a school building's rules and regulations.

*Penalty.* Administrative intervention to expulsion.

- 12. Bullying and Hazing.** Students are prohibited from engaging in conduct, whether written, verbal or physical, that unreasonably interferes with another's participation in or enjoyment at school or school-related activities, such as bullying or hazing. The Board of Education has adopted a policy on bullying as a part of Policy 2000.06, Behavior. A corresponding Administrative Regulation (2000.062-AR) has been developed to implement the policy.

"Hazing," for the purpose of this Code of Conduct, means initiating another student into any grade, school, or school-related activity by any means or methods that may cause physical or emotional pain, embarrassment, or discomfort.

Penalty - administrative intervention to expulsion.

- 13. Dress.** A student shall not dress or groom in a manner, which in the judgment of a building administrator, is unsafe to the student or others or disruptive to the educational process.

*Penalty.* Administrative intervention to expulsion.

- 14. Smoking/Tobacco.** A student shall not smoke, chew or otherwise use tobacco. A student shall not, while on school property, have in his/her possession or under his/her control, tobacco in any form.

*Penalty.* Administrative intervention to expulsion.

- 15. Trespassing, Loitering.** A student shall not be on school property or in a school building except to participate in the educational process of the School District, nor shall a student loiter in building hallways, classrooms, bathrooms, etc.

*Penalty.* Administrative intervention to expulsion.

- 16. Suspended Student on School Property or Attending School Activities.** A student, while suspended, shall not enter onto School District property without the prior permission of a building administrator.

A student, while suspended, shall not participate in, or attend any school related activity, function or event, held on or off school property, without the prior permission of a building administrator.

*Penalty.* Administrative intervention to expulsion.

- 17. False Alarms.** A student shall not knowingly cause a false fire alarm, or make a false fire, bomb or catastrophe report.

*Penalty.* Suspension to expulsion.

- 18. Electronic Communication Devices and Laser Pointers.** Each school maintains building-specific rules regarding the possession and use of active (i.e., turned on) electronic communication devices (e.g., pager, cellular telephone, etc.) on school premises. Even if permitted, such devices shall be stored in the student's book bag, locker, purse, etc. when not in use. Students are prohibited from using or possessing active electronic communication devices, at any time, in the locker rooms and bathrooms.

Students are prohibited from possessing or using laser pointers on school premises and at school-related activities without the express permission of school administration.

*Penalty.* Administrative intervention to expulsion..

- 19. Damage of Property or Theft/Possession.** A student shall not intentionally cause or attempt to cause damage to school property or the property of another person, or steal, attempt to steal, or knowingly be in the unauthorized possession of, school property or the property of another person.

*Penalty.* Suspension to expulsion.

- 20. Coercion, Extortion or Blackmail.** A student shall not commit or attempt to commit extortion, coercion or blackmail. A student shall not engage in the act of securing or attempting to secure money or other items of value by the use of threats and/or violence, nor shall a student, by threats and/or violence, force another person to perform an unwilling act.

*Penalty.* Suspension to expulsion..

- 21. Arson.** A student shall not burn, or attempt to burn, any tangible property or intentionally set a fire on school property or cause or attempt to cause an explosion on school property.

*Penalty.* Suspension to expulsion..

This section is supplemental to, and does not limit or supersede, sections 19, 23, and 33.

- 22. Fireworks, Explosives, Chemical Substances.** A student shall not possess, handle or transmit any substance or prepared chemical that can explode, is capable of inflicting bodily injury or is reasonably likely to cause physical discomfort to another person.

*Penalty.* Suspension to expulsion.

- 23. Criminal Acts.** A student shall not commit or participate in any conduct or act defined as a crime by federal or state law or local ordinance.

*Penalty.* Suspension to expulsion.

- 24. Alcohol/Chemical Substances.** A student shall not manufacture, sell, handle, possess, use, deliver, transmit or be under any degree of influence (legal intoxication not required) of any alcoholic beverages or intoxicant of any kind. A student shall not inhale glue, aerosol paint, lighter fluid, reproduction fluid or other chemical substance for the purpose of becoming intoxicated or under the influence (legal intoxication not required).

*Penalty.* Suspension to expulsion.

- 25. Look-A-Like Weapons.** A student shall not possess, handle or transmit any object or instrument that is a "look-a-like" weapon or instrument (e.g., starter pistol, rubber knife, toy gun, etc.).

*Penalty.* Administrative intervention to expulsion.

- 26. Weapons and Dangerous Instruments.** A student shall not possess, handle or transmit a knife with a blade length of three (3) inches or less, blackjack, baton, martial arts device, paint ball or splat gun, or other object or instrument that can be considered a weapon or is capable of inflicting bodily injury.

*Penalty.* Suspension to expulsion.

- 27. Personal Protection Devices.** A student shall not possess, handle or transmit a personal protection device (e.g. pepper gas, mace, stun gun, electric shock device, etc.) capable of inflicting bodily injury or causing physical discomfort to another person.

*Penalty.* Suspension to expulsion.

- 28. Drugs, Narcotic Drugs and Counterfeit Substances.** A student shall not manufacture, sell, possess, use, deliver, transfer or be under the influence (legal intoxication not required) of any drug, narcotic drug, marijuana, hallucinogen, stimulant, depressant, controlled substance, counterfeit substance or a controlled substance analogue intended for human consumption.

A student shall not sell, deliver or transfer, or attempt to sell, deliver or transfer, any prescription or non-prescription drug, medicine, vitamin or chemical substance (e.g., pain relievers, stimulants, diet pills, pep pills, No-Doze pills, cough medicines, laxatives, stomach or digestive remedies), nor shall a student use or possess these substances for an improper purpose.

A student shall not sell or represent a legal substance as an illegal or controlled substance (e.g., selling NODOZ as "Speed" or "Crack") or sell, manufacture, possess, use, deliver or transfer "designer" drugs).

*Penalty.* Administrative intervention to expulsion.

- 29. Fighting, Assault and/or Battery on Another Person.** A student shall not physically assault, or cause, behave in such a way to cause, or threaten to cause physical injury to a school employee, (including substitute and student teachers), student, volunteer, chaperone or other person (e.g., fighting).

*Penalty.* Suspension to expulsion.

- 30. Violation of Acceptable Use Policy.** A student shall not violate or attempt to violate the Acceptable Use of Technology Policy. Violation of any of the rules and responsibilities may result in a loss of access privileges/technology privileges/computer usage and may result in other disciplinary or legal actions including restitution.

*Penalty.* Administrative intervention to expulsion.

- 31. Gang Insignia/Activity.** A student shall not wear or possess any clothing, jewelry, symbol or other object that may reasonably be perceived by any student, teacher or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal (gesture, handshakes, etc.), that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal, in furtherance of the interests of any gang or gang activity, including, but not limited to: a) soliciting others for membership in any gang or gang related activity, b) requesting any person to pay protection or otherwise intimidating or threatening any person, c) committing any other illegal act or violation of School District rules or policies, or d) inciting other students to act with physical violence on any person. The term

"gang" means a group of two or more persons whose purpose or activities include the commission of illegal acts or violations of this Code of Conduct, School District rules or policies, or whose purpose or activities cause disruption or is likely to cause disruption to the educational process.

*Penalty.* Administrative intervention to expulsion.

- 32. Dangerous Weapons.** A student shall not possess a dangerous weapon in a weapon free school zone.

*Penalty.* Expulsion.

A dangerous weapon, for purpose of this section only, means a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocketknife opened by a mechanical device, iron bar or brass knuckles. The word "firearm," for purposes of this section only, means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by action of any explosive; or any destructive device which includes any explosive, incendiary or poison gas (i) bomb (ii) grenade (iii) rocket having a propellant charge of more than four (4) ounces (iv) missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce or (v) mine. A "weapon free school zone" means school property, which includes a building, playing field or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school or vehicle used by a school to transport students to and from school property.

This section is supplemental to, and does not limit or supersede, section 26.

- 33. Arson Prohibited by Law.** A student shall not commit an act of arson, prohibited by MCL 750.71 through MCL 750.80.

*Penalty.* *Expulsion.*

This section is supplemental to, and does not limit or supersede, sections 19, 21 and 23.

- 34. Criminal Sexual Conduct.** A student shall not commit criminal sexual conduct, as defined by MCL 750.520 b-e and g.

*Penalty.* Expulsion.

This section is supplemental to and does not limit, sections 7-11, 20, 23 and 29

- 35. Misconduct Prior to Enrollment.** An otherwise eligible resident may be suspended or expelled for an act of misconduct committed while the student was (a) a resident of another district, (b) enrolled in another school, (c) outside of school hours, or (d) off school premises if the misconduct would have constituted a sufficient basis for suspension or expulsion had it occurred while the student was enrolled in the School District.

*Penalty.* Administrative intervention to expulsion.

### **Student Code of Conduct: Due Process Procedures**

**Introduction to the Rules of Due Process.** The following due process procedures govern the suspension or the expulsion of a student from the School District's regular educational program. Discipline in the form of administrative intervention is solely within the discretion of the building principal or his/her designee and is not subject to the procedures of due process as provided in this Student Code of Conduct.



If a student charged with violation of this Code of Conduct has been returned to the regular school program pending a decision by either the principal or the Superintendent or his/her designee, then such action of reinstatement shall not limit or prejudice the School District's right to suspend or expel the student following a decision by the principal or Superintendent or designee.

The initial judgment that a student has engaged in a prohibited act under this Student Code of Conduct shall be made by the building administrator.

**Suspension of Ten (10) School Days or Less.** As a general rule, prior to any suspension of the student, the building administrator shall provide the student with the following due process:

- The administrator shall inform the student of the charges against him/her, and if the student denies the charges, the administrator shall provide the student with an explanation of the evidence the administrator possesses.
- The student shall be provided an opportunity to explain to the administrator his/her version of the facts.

If a student's presence in school poses an immediate danger to persons or property or an ongoing threat of disruption to the educational process, the building administrator may immediately suspend the student, and as soon thereafter as reasonable, provide the student with his/her due process rights as set forth in subparagraph a, above.

If, after providing the student with his/her due process rights, the administrator determines that the student has engaged in a prohibited act under the Student Code of Conduct, then he/she may impose a disciplinary penalty of a suspension not to exceed ten (10) school days.

The principal, or his/her designee, shall inform (in person or by phone) the student's parent of the suspension and of the reasons and conditions of the suspension. A School District "Student Suspension Notice" is to be completed, with copies going to the parent and the student's file. A building administrator's decision to impose a penalty of up to ten (10) school days is final and not subject to further review or appeal.

### **Suspension for Eleven (11) or More School Days and Expulsion.**

*Step One.* If the building administrator decides that a suspension for eleven (11) or more school days or expulsion is warranted, the student and the parent(s) or guardian shall be notified of:

- The charges against the student;
- The recommended disciplinary action;
- The fact that a hearing will be held before the Superintendent or his/her designee; and
- The time, place, location and procedures to be followed at the hearing.

If the building administrator decides that the student's presence in school would present a danger to the student, or to other students, school personnel or the educational process, then the student shall be suspended pending the decision of the Superintendent. If the building administrator determines that the student would not present a danger as described above, the student may be returned to school pending the decision of the Superintendent. If the student is suspended pending a decision of the Superintendent or designee, the hearing shall commence within ten (10) school days following the initial suspension of the student. If the student is not suspended pending the decision of the Superintendent, then the Superintendent or designee shall schedule the hearing to be held within fifteen (15) school days following

the completion of the building principal's investigation of the charges. The timelines for commencement of the hearing may be enlarged upon the request of the administrator, student, parent(s) or guardian.

*Step Two.* A hearing before the Superintendent or his/her designee will be held for the purpose of determining the truth or falsity of the charges against the student and, if the charges are found to be true, the appropriate disciplinary measures to be imposed.

The student and/or his/her parent(s) or guardian may notify the School District that they waive their right to a hearing. In such cases, the principal's recommended disciplinary penalty shall ordinarily be imposed, provided, however, that if the recommended penalty is expulsion, the Superintendent will nevertheless make the final decision on expulsion.

The Superintendent or designee may amend the principal's charges upon motion of the building administrator, student, parent(s) or guardian, or amend the charges upon his/her own motion to conform to the evidence presented at the hearing. Additionally, the Superintendent or designee may impose a greater or lesser penalty than that imposed or recommended by the building administrator.

*Step Three.* The Superintendent's decision shall be given orally to the student and parent(s) or guardian not later than five (5) school days after the close of the hearing. A written decision shall be mailed at that same time. These timelines, however, may be enlarged by the Superintendent or designee due to extenuating circumstances.

*Step Four.* Where a hearing has been held before the Superintendent or his/her designee under this section, an appeal to the Board of Education may be taken by the student, parent or guardian by filing a written notice with the Secretary of the Board within five (5) school days of the decision. The appeal will be heard in open or closed session, as elected by the student and/or parent(s) or guardian(s).

An appeal to the Board of Education will not involve further testimony or new evidence. During the appeal hearing, the Superintendent shall share the results of the hearing at his/her level and make a recommendation to the Board of Education in terms of disciplinary action against the student. The student, parent(s) or guardian(s) or a legal representative will have an opportunity to address the Board of Education. The Board of Education may ask questions of either the Superintendent or the student and will render a written decision on the appeal within fifteen (15) school days.

## 2000.07-AR

## Health and Safety

**Immunizations** As a condition of initial enrollment in the School District for all students, and continuing enrollment of a currently enrolled student in kindergarten or seventh grade, the student is required to have, on file:

- An up to date immunization record;
- A medical waiver form signed by a physician; or
- A certified nonmedical waiver form.

A student for whom the required documentation has not been provided will not be permitted to attend school.

## **Medication**

### **Administration of Medications.**

*Student Self-Medication.* Self-medication by students at school may be permitted, but subject to the following:

1. A parent permission form must be submitted to the building principal for self-medication of all prescription and non-prescription medications. For prescription medications, written approval of the physician is also required.
2. Except where the right to self-medicate is created by law, a student shall not possess or engage in self-medication without the prior written approval of the building principal.
3. A student who has been approved for self-medication may have in his/her possession only the quantity of medication needed for that school day, unless otherwise approved by the building principal.

*Administration of Medication by School Staff.* The process for requesting the administration of medication by School District staff shall be as follows:

- A written request for the district to administer prescription medication must be submitted to the building principal and is to include:
  1. The written signed permission of the parent/guardian;
  2. The written instruction from the physician for the administration of the prescription medication to the student, including:
    - i. Name of the student;
    - ii. Name of the medication;
    - iii. Dosage;
    - iv. Frequency of administration; and
    - v. Other special instructions, if any.
  3. The prescription label will be considered to meet this requirement if it contains the information listed above.
- A written request for the district to administer non-prescription medication must be submitted to the building principal and include:
  1. The written signed permission of the parent;
  2. The written instruction from the parent for the administration of the nonprescription medication to the student, including:
    - i. Name of the student;
    - ii. Name of the medication;
    - iii. Dosage;

- iv. Frequency of administration; and
  - v. Other special instructions, if any.
- Medication is to be submitted in its original container, whenever practical. If medication is not in the original container, the parent must label the container with the appropriate information, including the name of the medication, dosage, frequency of administration, etc.
  - Medication is to be brought to and returned from the school by the parent for elementary students.
  - It is the parent's responsibility to ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication.
  - It is the parent's responsibility to ensure that the school is informed in writing of any changes in medication instructions.
  - In the event a student refuses medication, the parent will be notified immediately.
  - Medication shall not be administered or self-medication allowed until the necessary permission form and written instructions have been submitted.

**Storage and Monitoring of Medication.** Medication shall be secured as follows:

- Non-refrigerated medications will be stored in a locked cabinet, drawer, or box;
- Medications requiring refrigeration will be stored in a locked box in a refrigerator;
- Access to medication storage keys will be limited to the building principal and designated school staff.

Designated school staff will be responsible for monitoring all medication supplies and for ensuring medication is secure at all times. Following administration, the medication container is to be properly sealed and returned to storage.

In the event medication is running low or inadequate dosage is on hand to administer the medication, the designated school staff member will notify the parent.

**Wellness** Within its Policy 2000.07, Health and Safety, the Board of Education has addressed student wellness. The Policy includes mention of proper nutrition and nutrition education, physical education and the importance of regular physical activity. The purpose of this Regulation is to implement the Wellness Policy.

The School District will promote nutrition standards by ensuring all foods and beverages sold, marketed, or provided to students meets the USDA Nutrition Standards for School Meals and USDA Smart Snack in School nutrition standards.

**Advisory Committee.** A committee will be established by the Superintendent to consider nutrition and physical activity matters for the School District. Responsibilities of the committee may include the following:

- Implementation of district nutrition and physical activity standards;

- Integration of nutrition and physical activity in the overall curriculum consistent with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education;
- Assurance that staff professional development includes nutrition and physical activity issues;
- Assurance that students receive nutrition education and engage in vigorous physical activity;
- Maintaining a regular meeting schedule.

The committee will develop a report for the Superintendent that includes the following information:

- Monthly district menus and meal counts;
- Listing of all a la carte, vending, and competitive foods sold by school food service;
- Listing of all other sales of foods throughout the district, including vending machines, school stores, culinary and special education programs, in-school and in-class fundraisers, etc.; and a
- Listing of physical activity programs and opportunities for students throughout the school year.

The School District will provide information on how the public can participate on the Advisory Committee and assist with the development implementation of this policy.

**Report.** At least once every three years, the School District's Nurse will report to the School District's Superintendent:

- The extent to which this regulation compares to model school wellness policies;
- The extent to which the School District's schools are in compliance with this regulations; and
- The School District's progress in attaining the goals established by the Advisory Committee.

The School District will make the Advisory Committee's report and any updates to the Wellness policy and this administrative regulations available to the public.

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

**Student Possession and Use of Epi-Pens.** A student will be permitted to possess and, if necessary, use an epi-pen on school premises or at school activities, programs and events if the following three conditions are met:

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

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

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

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

**Administration of Epi-Pen Injectors.** Designated staff members who have been trained in accordance with these procedures are required to administer an epi-pen injection to any person on school grounds who is believed to be suffering an anaphylactic reaction. An anaphylactic reaction is a severe, potentially life-threatening allergic reaction that may occur within seconds or minutes of exposure to an allergen. Common allergens that cause anaphylactic reactions in school include, but are not limited to, peanuts and tree nuts and venom from bee stings. All administrators and teachers are required to notify a designated staff member in the event he or she believes an individual on school grounds is suffering an anaphylactic reaction.

**Reporting.** The building administrator is required to notify the parent of any student who receives an epi-pen injection at school. Notification is to be made to the Superintendent at that same time. The School District is required to annually report to the Michigan Department of Education the number of epi-pen injections to students at school each year; the number of epi-pen injections to such students who were not previously known to have allergies; and, the number of students who were administered epi-pens from the School District's stock of epi-pens.

**Sports Concussions** As reflected in Board of Education Policy 2000.07, Health and Safety, student health safety and welfare are paramount concerns. Consistent with the Michigan Sports Concussion Law (MCL 333.9155 and 9156) and the rules of the Michigan High School Athletic Association, the following protections have been established for student athletes.

**Information and Educational Materials.** Each student who intends to participate in a School District-sanctioned athletic activity, including physical education classes, will be provided with educational materials that address the signs, symptoms and consequences of concussions. Prior to participation by the Student in an athletic activity, the School District must receive a statement signed by both the student and his/her parent or guardian acknowledging receipt of the materials.

The School District will maintain the signed statement within the student's permanent education records file (CA-60) until the student reaches the age of 18.

**Training.** The School District will provide or arrange concussion awareness training for all coaches, employees, volunteers and other adults who are involved in student athletics, including physical education classes. The training materials shall be those developed by or otherwise approved by the Michigan Department of Health & Human Services.

**Students Who Are Suspected of Having Sustained a Concussion.** Students who are suspected of having sustained a concussion while involved in an athletic activity, including a physical education class, must be immediately removed from physical participation in the activity. A student who has been removed from participation in an athletic activity will not be permitted to return to the activity until he/she:

- Has been evaluated by an “appropriate health professional” as defined in the Michigan Public Health Code, and
- That health professional completes and signs a written clearance form authorizing the student’s return to physical participation in the activity from which the student was removed.

The School District will maintain the written medical clearance within the student’s permanent education records file (CA-60) until the student reaches the age of 18.

### **Fundraising – Student Activity Groups**

**Overview.** Fundraising activities in the School District generally fall into two categories:

- Fundraising by individual schools or student activity groups; and
- Fundraising by parent organizations recognized by the District.

This Administrative Procedure governs the fundraising by individual schools or student activity groups and does not apply to “fiduciary activities” as the phrase is defined under GASB 84.

**General Guidelines.** Fundraising in schools is conducted by the Building Administrator or his/her designee and may involve staff, students, parent groups, and often some use of school facilities. All such fundraising activities must be in accordance with this administrative procedure and Board policy. While the number of these fundraisers is not limited, the Building Administrator is responsible for carefully monitoring and controlling such activities.

Requests to initiate fundraising activities should be submitted to the Building Administrator for approval using the Fundraising Approval Form (Attachment 1). The request must be submitted to the school office before any fundraising activity is initiated and prior to making any commitment to vendors. Once approved, the original form should be maintained on file in the school office, and a copy sent to the Assistant Superintendent of Instruction and the Assistant Superintendent of Finance & Operations.

Sponsors of fundraisers requiring the use of school facilities must secure an approved Facility Use form in advance of the event (*Reference: Administrative Procedure – Facility Use*).

The distribution and posting of flyers advertising the fundraiser must be approved by the Building Administrator (*Reference: Administrative Procedure – Guidelines for the Distribution of Flyers*).

Fundraisers involving the sale of non-food items, or a food item that meets the USDA’s Smart Snacks standards, can be conducted anytime *if approval is obtained*. Foods that do not meet the USDA Smart Snack standards cannot be sold to students on campus during the school day, although orders may be taken at school for these food items as long as they are not intended to be consumed on campus during school hours. All fundraising activities that take place outside of school are exempt from the Smart Snack standards.

**Fundraising Contracts and Products.** If fundraising projects require the signature on any contract or agreement, the contract must be provided to the Deputy Superintendent of Business and Administrative Services prior to signing. Such contracts may require independent review by the District’s legal counsel before signing.

Security arrangements for all products sold as part of an approved fundraising project are to be made with the Building Administrator. If assistance is needed to identify a secure location, the Building Administrator should consult with the Executive Director of Maintenance and Operations to ensure fundraising products are properly secured.

**Accounting Procedures & Cash Management for Schools.** Funds collected from students for fundraising, or for activities such as field trips and class projects, must be turned over to the staff member in charge of finances each day. Teachers and other staff who collect funds must document the funds collected from each student, complete a Deposit Sheet (Attachment 2), and take the funds collected and the completed Deposit Sheet to the school office at the end of each school day.

Upon receipt of collected funds, the Bookkeeper should verify the amount collected, and sign the Deposit Sheet form at the bottom. If funds are unable to be deposited on the date collected, the Administrative Assistant should secure the funds in the school office safe overnight.

All money collected from students from fundraising or for field trips must be deposited and credited to building or student activity account. All monies collected in school fundraising activities must be deposited intact, i.e. there must be no cash payments or cash reimbursements from monies collected from students.

Under no circumstances is money to be kept in classrooms, held by staff outside the building, or deposited in private accounts.

All gate receipts (games, dances, plays, etc.) must be counted twice within one business day of the event and deposited in a safe or in the bank using a night deposit bag. Petty cash must be secured, and one person in each building shall be responsible for petty cash.

Students cannot be made responsible for cash. Students handling cash must be properly supervised.

Staff members are prohibited from using cash received from students to make direct purchases. Purchases using funds deposited in a student activity or building account may be made using the following methods:

- *Purchase Order.* Electronic requisitions, Purchase Orders, and check requests are the recommended purchasing vehicle for items and services charged to student activity or building accounts.
- *Check Request.* When it is not practicable to use Purchase Orders, Check Requests are an authorized purchasing option for expenditures charged to student activity or building accounts. Check Requests should be prepared at the building and signed by the activity group's sponsor and the Building Administrator or his/her designee.
- *District Charge Card.* As an alternative to Purchase Orders or paper checks, the District charge card may be used for low dollar purchases, and where Purchase Orders or paper checks are not accepted.
- *Reimbursements for Individual Purchases.* In situations where it is not possible to use any of the above purchasing methods, the District will reimburse students, staff members, or parents for individual purchases. Activity group sponsors and building staff should seek to avoid individual purchases, as those purchases typically incur sales tax, and are more difficult to monitor.

All financial records related to fundraising activities must be retained for a period of seven (7) years for audit purposes.

All fundraising activities may be subject to periodic internal audit review and/or review by the District's independent auditing firm.



**Fundraising Approval Form**

**Attachment 1**

Please complete the fundraising approval form at least one week in advance before the first proposed date of the fundraising event. The Club Advisor (where appropriate) and the Building Administrator must approve the fundraiser before any arrangements are made.

School: \_\_\_\_\_

Name of Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_ email: \_\_\_\_\_

Description of Fundraiser: \_\_\_\_\_

Proposed Dates: *First:* \_\_\_\_\_ *Second:* \_\_\_\_\_ *Third:* \_\_\_\_\_

Proposed Plan with Details: (Location, Times, Audience, Logistics, etc). Attach extra sheet, if necessary.

\_\_\_\_\_  
\_\_\_\_\_

Names of all supervisors or chairpersons of the event \_\_\_\_\_

\_\_\_\_\_

Estimated cost to your organization: (list the details of items below)

Item: \_\_\_\_\_ Cost: \_\_\_\_\_

Item: \_\_\_\_\_ Cost: \_\_\_\_\_

Total: \_\_\_\_\_

Projected profit: \_\_\_\_\_

Purpose of the fundraiser / Plans for using projected profit: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Approval:

\_\_\_\_\_

Building Administrator / Date

Advisor / Date

Copies to: Assistant Superintendent of Educational Services

Deputy Superintendent of Business & Administrative Services



## 3000-AR

## Curriculum and Instruction

### 3000.01-AR

### Curriculum

The curriculum identifies the School District's prescribed programs and courses. An ongoing review with input from school staff, other professional educators and parents is necessary to assure that the curriculum remains relevant and up to date. The Executive Director of Curriculum and the Executive Director of Instruction, will be responsible for overseeing the ongoing review of the curriculum. S/He shall form a curriculum committee and serve as its chairperson. Any revisions to the curriculum that are recommended by the committee shall be reported to the Superintendent for his review and possible adoption. Superintendent will submit all revisions to the Board for review, consideration, and possible adoption.

### 3000.02-AR

### Parental and Family Engagement

The Board of Education has adopted Policy 3000.02, Parental and Family Engagement, to express its strong support for the involvement of parents in their children's education. The Policy was adopted, in part, to meet the requirements of Title I of the Elementary and Secondary Education Act of 1965. The purpose of this Regulation is to assure that the Board Policy is fully implemented and all legal requirements are met.

For purposes of this Regulation, the School District will follow the statutory definition of parental and family engagement:

Parental and family engagement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:

- That parents 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;
- The carrying out of other activities, such as those described in 20 USC § 6318 on parent and family engagement.

**Implementation** In implementation of the above, the School District will do the following:

**Joint Development of School District-wide Parental and Family Engagement Plan.** The School District will hold meetings with parents, at least semi-annually, to jointly develop, review and modify the Parental and Family Engagement Plan. Periodic communications, addressed to parents, will be made through utilization of the School District's website and other media. A draft of the Parental and Family Engagement Plan, which is a component of the Plan, will be circulated to parents prior to final adoption.

**School Review and Improvement.** A consolidated local improvement plan meeting will be held annually, typically during the month of October. The purpose of the meeting shall be to determine the

assistance that will be offered to individual schools within the School District in developing parental and family engagement activities to improve their children's academic achievement.

Parents will be provided with interpreters or translators during the meeting, as necessary, to permit meaningful participation.

Parents are encouraged to provide comments about School District and individual school practices, as well as educational programs and activities, throughout the year, by contacting the school principal.

**Improving Student Academic Achievement and School Performance.** The principal will be the primary contact person to receive parental input and provide building level staff with assistance in implementing suggested improvement activities and processes.

**Program Supports.** The principal shall receive parent input with respect to various School District programs and coordinate implementation activities.

An essential part of this process will be collecting information from parents in terms of personal experiences with the processes and fully considering suggestions for improvement.

Support will be offered to individual schools within the School District to explore and utilize effective communication strategies, particularly for parents from diverse cultural, socio-economic and language backgrounds.

**Supports and Training – Parents** In order to assist parents with meaningful involvement in their children's education, the following activities will be coordinated by the School District.

Periodic Meetings. Periodic meetings to discuss:

- Academic content standards;
- Student assessments and achievement standards;
- Monitoring academic progress; and
- Communication with teachers and building level personnel.

Specially focused support will be offered through these processes for parents of pre-school aged children, recognizing the importance of early intervention and the needs of this population

**Materials and Training.** The School District will provide materials and offer training to assist parents in understanding areas such as: literacy and technology The School District will also provide parents with grade-level materials and training to help them support their children's learning at home.

**Supports and Training – Staff** In order to assist staff with the meaningful involvement of parents in the educational process, the School District will conduct meetings for designated staff members. The meetings will address and offer suggestions for:

- Reaching out to and communicating with parents;
- Understanding the importance of parental involvement;
- How to implement and coordinate parent programs; and
- How to work with parents as partners.

**Coordination of Parental and Family Engagement with Community Programs** The School District will make efforts to coordinate parental and family engagement programs with programs in the local community.

**Evaluation of Parental and Family Engagement Policy** An annual evaluation of the School District's Parental and Family Engagement Policy will be conducted, with parental participation. The evaluation process will be coordinated by the Executive Director of School Improvement and will include the identification of any perceived obstacles to parental participation and the effectiveness of the Policy in improving academic quality. Revisions to the Policy will be made, as needed.

### **3000.04-AR Textbooks and Other Instructional Materials**

It is the goal of the School District to use textbooks and other instructional materials that are compatible with the School District's curriculum. Such materials should assist students in reaching State standards and in meeting School District grade level expectations and course requirements. The Superintendent may, from time to time, appoint an ad hoc committee of administrators and teachers to assist in the selection of textbooks and other instructional materials that will be recommended to the Board of Education. The committee shall be guided by the criteria that selected materials should:

- Be consistent with and provide both support and enrichment for the School District's adopted courses of study and curricular goals;
- Meet high standards of quality in factual content and educational significance;
- Present with readability and organization;
- Be appropriate for the ability level, learning styles and emotional and social development of the students for whom the materials are selected; and
- Support a balanced approach to controversial issues that will include representation of various points of view.

### **3000.05-AR Selection of Media Center Materials**

Through Board of Education Policy 3000.05, Selection of Media Center Materials, the Superintendent is responsible for the selection of media center materials throughout the School District. In authorizing purchases brought to him/her for approval, the Superintendent will receive recommendations from School District professional staff members, parents and students.

**Criteria for Selection** In selecting materials for the Media Center, such materials should:

- Support and be consistent with the general educational goals of the School District;
- Meet high standards of quality in factual content, artistic and literary value, and presentation;
- Be appropriate for the age, emotional development, ability level, and social development of students for whom materials are selected;
- Have aesthetic, literary, scientific or social value;
- Be current and up-to-date; and

- Are selected to reflect our diverse society.

The selection of materials on controversial issues will be directed towards maintaining a diverse collection representing various points of view.

## **3000.06-AR Parental Objections**

Through Board of Education Policy 3000.06, Parental Objections, the Board seeks to assure that parents have an opportunity to present objections and have those objections fairly considered, with respect to the School District's curriculum, selection of textbooks and other instructional materials and media center materials.

**Curriculum** A parent who objects to a portion of the School District's curriculum may submit the objection, in writing, addressed to the Superintendent of Schools. The Superintendent will respond within ten (10) business days, taking one of the following actions:

- Grant the relief requested by the parent.
- Deny the objection.
- Schedule a meeting with the parent to further review the objection.
- Form a committee to review the objection.

Following final action by the Superintendent, the parent may file a written appeal with the Board of Education.

**Textbooks, Other Instructional Materials and Media Center Materials** Parents who have concerns over textbooks, other instructional materials or media center materials in the school building in which their child attends, may submit objections to the building principal. The principal will respond within ten (10) business days, taking one of the following actions:

- Grant the relief requested by the parent.
- Deny the objection.
- Schedule a meeting with the parent to further review the objection..
- Form a committee to review the objection

A final decision of the principal may be appealed, in writing, to the Superintendent.

Following receipt of an appeal, the Superintendent will respond within ten (10) business days, taking one of the following actions:

- Grant the relief requested by the parent.
- Deny the objection.
- Schedule a meeting with the parent to further review the objection.
- Form a committee to review the objection.

Following final action by the Superintendent, the parent may appeal, in writing, to the Board of Education.

Upon its receipt of an appeal, the Board of Education, at its next regular meeting, will decide the level of review it will undertake. Actions may include, but are not limited to:

- Affirm the decision of the Superintendent;
- Invite the parent to make a written or oral presentation to the Board;
- Refer the matter to a committee for study and recommendation;
- Direct the Superintendent to take specified action with respect to the matter; or
- Decline to review the appeal.

## 4000-AR

## PERSONNEL

Consistent with School District policy, it is the goal of these regulations to ensure that the School District employs and retains those persons of the highest character who have the skills and other qualifications necessary to meet staffing requirements.

### 4000.01-AR

#### Administrative Staff and Organization

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

### 4000.02-AR

#### Employment Considerations

**Recruiting** All job postings will be published online. Job postings will provide a description of the job, necessary qualifications of the job, and the time period and methodology for submitting an application for the job. Job postings will be available on the School District website and/or with other professional organizations, as appropriate. If a collective bargaining agreement or employment contract requires notice of posting, the School District must act accordingly. Otherwise, the posting of the position on the School District's website shall provide notice. The posting will be available at least 5 days prior to the application period and remain online until the application period has closed.

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

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

**Job Descriptions** The human resources office must maintain updated job descriptions for each classification of employment within the School District. Job descriptions should include a list of essential job functions.

**Hiring and Recommendations for Hiring** Hiring decisions are made by the Board of Education at the recommendation of the Superintendent or his/her designee. Recommendations to the Board of Education will be made only after the recommended applicant has determined and the criminal history and background check required by law has been completed (see, 4000.026-AR). When determined to be necessary by the Superintendent, an applicant may begin working pending approval by the Board of Education.

**Aiding and Abetting** All state educational agencies, local educational agencies, and all employees, contractors, and agents of state and local educational agencies are prohibited from recommending for employment any person the recommender knows or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law.

**Employment Contracts and Collective Bargaining Agreements** The wages, terms, and working conditions of all employees will be set out in contract. If the employee is part of a collective bargaining unit, the applicable collective bargaining agreement will be deemed sufficient and an individual contract is not necessary unless otherwise required by law. All individuals not in a collective bargaining agreement will have an individual employment contract or benefit schedule that sets out their terms of employment. Individual contracts shall not be for a term greater than three years. If a benefit schedule is used rather



than an individual employment contract, employees should provide written acknowledgment of receipt of the benefit schedule.

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

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

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

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

#### **Access to CHRI.**

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

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

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

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

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

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

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

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

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

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

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

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

	<b>Physical/Hard Copy CHRI</b>	<b>Digital CHRI</b>
<b>Preparation</b>	The container in which the CHRI is stored will be locked at all times in the office of the Assistant Superintendent of Employee Community and Governmental Relations. The office will be locked when staff is not present.	Firewalls, virus protection, and malware/spyware will be maintained.
<b>Detection</b>	Physical intrusions into the building will be monitored by means of a building alarm and by ensuring the building is locked at night.	Electronic intrusions will be monitored by virus and malware/spyware protections.
<b>Analysis</b>	The LASO will work with local law enforcement officers to determine how the subject incident occurred and the data affected.	The IT Department will determine what systems were compromised and what data was affected.
<b>Containment</b>	The LASO will lock uncompromised CHRI information in a secure container or transport CHRI to a secure location.	The IT Department will stop the spread of any intrusion to prevent further damage.
<b>Eradication</b>	The LASO will work with local law enforcement officers to remove any threats that compromise CHRI data.	The IT Department will remove the intrusion before restoring the system. All steps necessary to prevent recurrence of the intrusion will be taken before restoring the system.
<b>Recovery</b>	The local law enforcement agency will handle and oversee recovery of stolen CHRI data. The LASO may contact MSP for assistance in re-fingerprinting, if necessary.	The IT Department will restore the agency information system and data to a safe environment.

**Audit Records of Events.** The School District shall generate audit records for the events listed below, either via an automated process or, if an automated process is not used, a manual process. The event records must contain: the date and time of each event, the type of event, the user who initiated and/or ended the event, whether the event involved use or access of software and/or hardware, and whether the event was successful or unsuccessful. For automated processes, the School District will set up and maintain an alert system which informs the School District each time an audit attempt fails. The events to be recorded are all successful and unsuccessful:

- Log-on attempts.
- Attempts to access, create, write, delete, or change permission on a user account, file, directory, or other system resource.
- Attempts to change account passwords.
- Actions by privilege accounts.
- Attempts for users to access, modify, and destroy the audit log file.

The School District will appoint a person to review the audit records at least once per week for unusual or inappropriate activity, to investigate suspicious activity, to report findings to the appropriate person, and to take necessary corrective action.

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

**Omnibus Transportation Employees** School District employees who operate commercial motor vehicles and/or are otherwise required to hold a commercial driver's license (CDL) in connection with their job duties are subject to the School District's alcohol and controlled substances testing program. Prospective employees for positions that require a CDL are subject to pre-employment testing and pre-employment inquiry via the National Drug and Alcohol Clearinghouse (Clearinghouse).

**Pre-Employment Testing and Query.** Alcohol and controlled substances testing is required prior to the first time a driver begins to work for the School District in a position requiring a CDL. Both prospective employees who have been offered employment in positions involving the operation of a commercial motor vehicle and current employees reassigned to such positions are subject to pre-employment testing. Employment or promotion offers for driver positions will be conditioned on completing an alcohol and controlled substances test with negative results.

A person hired by the School District for a position requiring a CDL, or newly assigned to a position requiring a CDL, shall not report for work unless he/she has received a verified negative controlled substances test result.

The School District may, at its discretion, choose not to require pre-employment controlled substances testing where the applicant has recently undergone drug testing for another employer or prospective employer. Any such decisions not to require testing will be made in strict compliance with Federal Highway Administration (FHWA) regulations.

The School District will obtain and review information on prior FHWA-mandated alcohol and controlled substances testing from any employer for which the driver performed safety-sensitive functions in the previous two years. Information concerning positive controlled substance tests, alcohol tests with results of 0.04 or higher, and refusals to test must be obtained and reviewed no later than fourteen (14) days after the first time a driver performs work requiring a CDL. In addition, the School District will conduct a full pre-employment query via the Clearinghouse for all prospective drivers. Prospective drivers are required, as a condition of employment, to provide the School District with a release for such information and, for the Clearinghouse, submit electronic consent through the Clearinghouse granting the School District access to his/her records.

**Annual Query.** The School District will conduct an annual query via the Clearinghouse for all employee school bus drivers.

**Random Testing.** The School District will conduct random alcohol testing at an annual rate that is equal to at least 10% of the number of School District driver positions. Random controlled substances testing will be conducted at an annual rate equal to at least 50% of the number of driver positions. These required random testing rates are set by the FHWA and are subject to change.

Drivers will be randomly selected for testing so that each driver will have an equal chance of being tested each time selections are made. Random tests will not be announced in advance and will be reasonably spaced throughout the calendar year.

Drivers selected for random testing must proceed immediately to the testing site upon notification of being selected. The School District will make the necessary arrangements to have a substitute employee available to permit the random testing to occur.

Drivers will only be randomly tested for the presence of alcohol when they are driving or preparing to drive a commercial motor vehicle for the School District, or immediately prior to or immediately after such activity.

In the event a driver who is selected for a random alcohol and/or controlled substances test is absent from work, the School District may select another driver for testing. The School District may choose to keep the original selection confidential until the driver returns, if the driver is expected to be available for testing during the current designated testing period.

**Reasonable Suspicion Testing.** The School District will require a driver to submit to an alcohol or controlled substances test where the School District has reasonable suspicion that the driver has violated alcohol or controlled substances prohibitions. The reasonable suspicion determination must be made by a supervisor or School District administrator who has received mandated training. The determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

A written record will be made of the observations leading to a reasonable suspicion test and signed by the supervisor or School District administrator who made the observations. In the case of controlled substances tests, such a record will be made within twenty-four (24) hours of the observations, or before the results of the test are released, whichever is earlier.

*Reasonable Suspicion Alcohol Testing.* A driver will be required to submit to an alcohol test when the School District supervisor or administrator has reasonable suspicion that the driver has violated alcohol prohibitions. Mere possession of alcohol will not be considered reasonable suspicion for testing.

In order to warrant reasonable suspicion alcohol testing, the observations must be made during, just before, or just after the period of the work day in which the driver is subject to alcohol prohibitions. The test should be administered as soon as practicable following the observations. The School District will not attempt to test if the testing is not to be administered within eight (8) hours of the observation.

If reasonable suspicion exists, the driver may not, under any circumstances, drive for the School District until an alcohol test is administered and the driver's alcohol concentration measures less than 0.02, or not less than twenty-four (24) hours have elapsed following the reasonable suspicion determination.

*Reasonable Suspicion Controlled Substances Testing.* A driver will be required to submit to a controlled substances test when the School District supervisor or administrator has reasonable suspicion that the driver has violated controlled substances prohibitions. The School District will remove the driver from driving functions at least until the verified test results are reported. The test should be administered as soon as practicable in the particular circumstances.

**Post-Accident Testing.** Where a commercial motor vehicle being operated for the School District is involved in an accident, the School District shall, as soon as reasonably practicable under the circumstances, test for alcohol and controlled substances any driver (a) who was driving, if the accident involved the loss of human life; or (b) who receives a citation for a moving traffic violation arising from the accident.

Immediately following an accident, the driver must contact his/her supervisor or a School District administrator. The driver must remain available for testing. This requirement should not be construed to require the delay of necessary medical attention for injured persons following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Alcohol and controlled substances testing will be conducted as soon as reasonably possible under the circumstances. If an alcohol test is not administered within eight (8) hours following the accident, or a controlled substances test is not administered within thirty-two (32) hours following an accident, the School District will not attempt to administer the test.

The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances which is administered by federal, state, and/or local officials having independent authority to conduct the test, shall be considered to meet the requirements of this procedure, if the results are released to the School District.

**Return to Duty and Follow-up Testing.** If the School District continues to employ a driver who has tested positive for alcohol or controlled substances, or has otherwise violated this Administrative Regulation, the driver will be subject to testing before he or she can again drive for the School District. The driver may also be subject to follow up testing following the return to duty.

*Return to Duty Testing.* A driver who has engaged in prohibited alcohol use must undergo a return to duty alcohol test indicating a breath alcohol concentration of less than 0.02 before returning to duty as a driver.

A driver who has engaged in the use of prohibited controlled substances must undergo a return to duty controlled substances test with a verified negative result before returning to duty as a driver.

The driver must also be evaluated by a substance abuse professional ("SAP") and participate in any assistance program that is prescribed. The School District must be provided with a written statement from the SAP that the employee has been evaluated and has complied with any prescribed rehabilitation before the employee will be permitted to return to work.

*Follow-Up Testing.* Following a determination by a SAP that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the School District will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the SAP. At least six (6) tests shall be conducted during the first twelve (12) months following the driver's return to duty.

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

**Reporting Requirements.** The School District will report necessary driver information to the Clearinghouse consistent with applicable laws.

**Recordkeeping.** The School District will retain records of all queries conducted and information received from the Clearinghouse for three (3) years.

**Health Insurance Portability and Accountability Act of 1996 (HIPAA)** The School District is committed to compliance with the health information privacy and security requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The School District currently offers its employees MESSA ABC (Health Plan 1 and Health Plan 2) and MESSA Choices. These are considered "health plans" within the meaning of HIPAA and the School District is the "Plan Sponsor." In order to assure compliance with HIPAA, the following Administrative Safeguards have been established.

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

- *Authorization.* Only School District employees designated by the Privacy and Security Officer as requiring access to protected health information for Plan administration purposes will be given

such access. These employees may view protected health information necessary to perform their duties for the Plan without express authorization from the Plan member.

- *Training.* School District employees authorized to have access to protected health information will receive training on a periodic (typically every other year) basis. Each such employee will be provided with a copy of the privacy policy and required to affirm, annually, in writing, that they have received the policy.
- *Security Incidents.* Suspected or known security incidents will be identified, responded to, and documented in writing. The harmful effects of such security incidents, known to the Plan, will be mitigated to the extent practicable.
- *Physical Safeguards.* Plan members' protected health information shall be stored in a locked file cabinet used solely for this purpose. Paper documents containing protected health information shall be shredded before being discarded. Electronic files containing protected health information, if any, shall be password protected. A facsimile machine used to transmit and receive protected health information shall be in a secure location.
- *Technical Safeguards.* To the extent protected health information is maintained electronically, access to electronic information systems or software programs will be provided to only those persons who have been granted access rights. Procedures for controlling and tracking the handling of hardware and software, and for data backup, storage, and disposal, shall be implemented. This includes the receipt, handling, and disposal of health information. Employees will be required to close files when leaving their work stations to protect confidentiality.
- *Contingency Plan.* 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.

#### **Family and Medical Leave Act (FMLA)**

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

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

**Qualifying Events.** FMLA leave may be taken:

- For the birth of a child and to care for a newborn child;
- For the placement of a child with the employee for adoption or foster care;
- To care for a child, spouse, or parent of the employee who has a serious health condition;
- For the employee's own serious health condition which causes the employee to be unable to perform the essential functions of his or her job;
- Where the employee experiences a qualifying exigency arising out of the fact that the employee's spouse, parent, or child is a covered military member on active duty or has been called to or on covered active duty status in the National Guard or Reserves; or

- To care for an armed forces member or qualified veteran who is a spouse, parent, child, or next of kin of the employee and who is injured while on covered active duty, including an injury that manifests itself after completion of active duty.

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

- An overnight stay in a hospital, hospice, or residential medical care facility;
- A period of incapacity for more than three (3) 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 (3) full calendar days in the absence of medical treatment (e.g. chemotherapy, physical therapy or radiation).

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

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

**Other Important Information.**

- *Intermittent Leave.* FMLA leave taken to care for a family member with a serious health condition or due to the employee’s own serious health condition may be taken intermittently or on a reduced schedule, when medically necessary.
- FMLA leave requested for the birth of a child, to care for a newborn child or for the placement of a child with the employee for purposes of adoption or foster care, may not be taken intermittently or on a reduced leave schedule unless the employee and School District agree.
- Instructional employees who request intermittent leave or a reduced schedule FMLA leave which constitutes more than twenty percent (20%) of the working days in the period during which the leave would extend may be required to take FMLA leave for all or part of the FMLA leave period.
- Instructional employees who request FMLA leave that will end near the conclusion of an academic term may be required to continue the leave until the end of the term.
- Group health plan benefits will be maintained for the employee during the FMLA leave and the School District will contribute the same portion of the premium as it did while the employee was working. If the employee fails to make timely payment of his/her portion of the premium, the



- School District reserves the right to cease to maintain the employee's health benefits, provided the School District notifies the employee in writing at least fifteen (15) days before health coverage will lapse.
- FMLA leave is generally unpaid. The employee may choose, or the School District may require, that any of the employee's available accrued paid vacation or personal leave be substituted for any part of the twelve (12) week FMLA leave period. An employee may choose, or the School District may require, that an employee's available sick leave be substituted for any part of the FMLA leave if the employee or a family member of the employee has a serious health condition for which sick leave is otherwise available. FMLA leave may run concurrently with workers' compensation or disability insurance coverage for a serious health condition.
- The School District may require that any FMLA leave request be supported by certification (and, in appropriate cases, by periodic re-certifications) from a health care provider. The certification should be provided before the leave begins, if foreseeable, and must, in any event, be provided within fifteen (15) calendar days of a request made by the School District. The failure to provide a required medical certification in timely fashion may result in denial of the leave until the certification is provided.
- An employee is not entitled to the accrual of any seniority or employment benefits that would have otherwise accrued during the period of leave unless specifically provided by the applicable collective bargaining agreement or an individual contract of employment.
- The School District is prohibited from terminating or in any other manner discriminating against an employee for exercising rights under the FMLA.
- *Return from Leave.* The School District may require that an employee returning from FMLA leave due to a serious health condition obtain certification from his/her health care provider that the employee is able to resume his/her duties and responsibilities.

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

**Paid Medical Leave** Eligible employees will be provided 40 hours of paid medical leave (PML) per benefit year. The School District's benefit year begins on July 1. Eligible employees hired after the beginning of the benefit year will be provided PML on a pro-rata basis. Eligible employees may not carry over PML from one benefit year to the next. Days when school is closed will not be considered closed due to a public health emergency unless specifically designated as such by the School District's Superintendent. PML must be used in .25-day increments. PML may not be used except in the manner permitted by Michigan's Paid Medical Leave Act (PMLA). Eligible employees who use or wish to use PML will be required to provide documentation acceptable to the School District to determine PML is being used only for reasons permitted by Michigan law.

## 4000.04-AR Evaluations, Discipline and Discharge, Resignations

The purpose of evaluations and discipline will be to encourage growth in staff and to encourage and create an environment that allows the School District to implement the educational goals of the Board of Education. Evaluations will be compliant with Michigan law, where applicable.

**Evaluations of the Superintendent of Schools** The Board will evaluate the Superintendent annually. Superintendent evaluations will be compliant with Michigan law in a format determined by the Board of Education.

### **Termination of Employment**

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

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

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

**Due Process.** Prior to termination, an employee shall be given oral or written notice of the charges against him/her and have an opportunity to respond. The employee will be provided written notice of termination stating the basis for the termination prior to the termination being effectuated by the Board of Education.

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

**Evaluation of Teachers and Administrators** The District will utilize the 5D+ and 4D growth models for the evaluation of educators.

**Layoff, Recall, and Personnel Decisions Relating to Teachers** This administrative guideline applies to those individuals whose employment is regulated by the Teachers' Tenure Act, MCL 38.71 et seq.

As used herein, the term "effectiveness" is based on the effectiveness label given a teacher in their most recent year end evaluation pursuant to the School District's evaluation system.

The term "qualification" as used in this administrative guideline includes, but is not limited to, an individual's: areas of certification, level of degree attained, type of degree attained (major, minor, or area(s) of focus), relevant previous experience, grade level of relevant experience, relevant classes or training, previous ratings, effectiveness and overall performance as a teacher, or past disciplinary or other employment concerns.

**Process for Conducting Layoffs.** Reductions shall take place first based on department and location. The District shall layoff starting with the teacher with the lowest Effectiveness Rating. For the purpose of layoff and recall, teachers rated Effective or Highly Effective shall be treated as equal.

If two teachers are being considered and share the same effectiveness rating, then the Superintendent or his/her designee must compare the potential individuals using each of the elements of the standards from section 1248 of the Revised School Code as set out below. Only when all elements within one level are equal and the candidates cannot be differentiated should the Superintendent or his/her designee move to the next level. Those levels are as follows:

- *Individual Performance.* Individual performance consists of the following:
  1. Evidence of student growth, which shall be the predominant factor in assessing an employee's individual performance.
  2. The teacher's demonstrated pedagogical skills, including at least a special determination concerning the teacher's knowledge of his or her subject area and the ability to impart that knowledge through planning, delivering rigorous content, checking for and building higher-level understanding, differentiating, and managing a classroom; and consistent preparation to maximize instructional time.
  3. The teacher's management of the classroom, manner and efficacy of disciplining pupils, rapport with parents and other teachers, and ability to withstand the strain of teaching.
  4. The teacher's attendance and disciplinary record, if any.
- *Significant, Relevant Accomplishments and Contributions.* This factor shall be based on whether the individual contributes to the overall performance of the school by making clear, significant, relevant contributions above the normal expectations for an individual in his or her peer group and having demonstrated a record of exceptional performance.
- *Relevant Special Training.* This factor shall be based on completion of relevant training other than the professional development or continuing education that is required by the employer or by state law, and integration of that training into instruction in a meaningful way.
- If all of the above factors are equal, the Superintendent or his/her designee may consider a teacher's seniority or tenure status.
- In the event of a layoff, a teacher to be laid off will be given notice at least 25 days prior to the date the layoff is to be effective. A copy of the notice will also be provided to the Association.

## **Recall.**

### *Teachers Rated Effective or Highly Effective.*

- A teacher on layoff that has been rated as effective or highly effective on his/her most recent year end evaluation will be recalled to any position for which they are certified and qualified for a period of three years after the effective date of his/her layoff.
- In conducting recalls, teachers rated highly effective on their most recent year end evaluation will be recalled first, followed by those rated effective on their most recent year end evaluation.
- If a recall decision is between teachers with the same effectiveness rating on his/her most recent year end evaluation, the factors listed in section 3 under layoff will be used to distinguish which individual should be recalled.

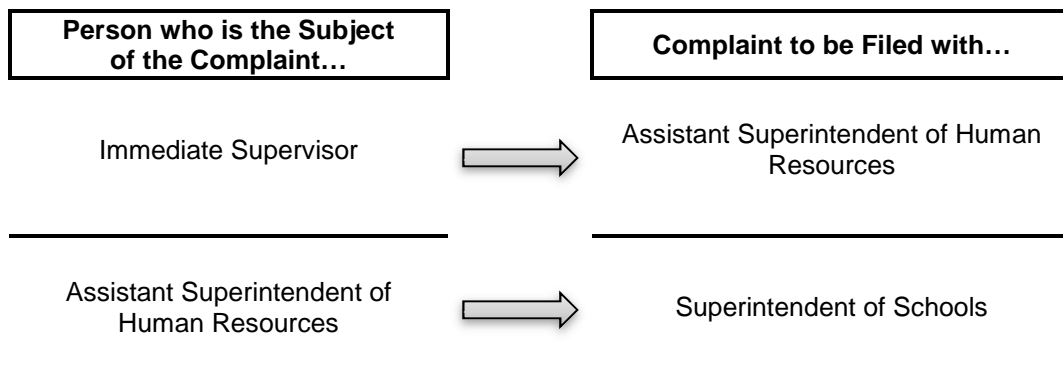
- A teacher on layoff will not be considered “qualified” for a vacancy for the purpose of recall if that teacher has no experience teaching the subject matter of the vacancy, does not have a degree in the subject matter of the vacancy, or has not taught at the level of the vacancy (i.e., elementary, middle, or high school level). A teacher that is not qualified for a vacant position for the purpose of recall, but possesses the proper certification for the position may apply for the vacancy and will be considered.
- Eligibility for recall of a teacher rated effective or highly effective shall terminate if he/she:
  1. Resigns or his/her employment or the Board otherwise terminates, or
  2. Fails to respond to his/her recall notice within five (5) days of his/her receipt of such notice.

*Teachers Rated Minimally Effective or Ineffective.*

- Teachers rated minimally effective or ineffective that had not been placed on a development plan prior to layoff will have a right to recall for three years to a position that he/she is certified and qualified to teach, subject to the reverse procedure as layoff.
- A teacher who is subject to layoff and has received a rating of minimally effective or ineffective on his/her last year end evaluation after having been previously placed on a development plan will not have a right to automatic recall into a vacant position. Instead, those teachers will be notified of any vacancy for which that teacher is certified for a period of three years following the effective date of his/her layoff. The teacher may then apply for a vacancy in the manner described by the School District in the official posting.
- A teacher that has received a rating of ineffective on his/her most recent year end performance rating will not be given any preference that would result in him/her being retained or recalled over a teacher rated minimally effective, effective, or highly effective.

**4000.05-AR Whistleblower Protection**

An employee of the School District who becomes aware of conduct on the part of another employee of the School District that is thought to be in violation of law, Board of Education policy or administrative regulation shall bring the matter to the attention of his/her immediate supervisor. The reporting employee shall also complete and file with the supervisor a Whistleblower Complaint Form. Where the immediate supervisor is the person whose conduct is in question, the written Complaint shall be filed, instead, as follows:



Superintendent of Schools



President of the Board of Education

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The person receiving the Complaint shall review the document to determine whether the Complaint arguably alleges a violation that is within the scope of Board Policy 4000.04. If so, the Complaint shall be forwarded to the Superintendent or his/her designee.

Upon receipt of a Complaint, the Superintendent or his/her designee shall determine whether the Complaint alleges a violation that is within the scope of Board Policy 4000.04. If so, the Superintendent or designee shall investigate the Complaint and determine whether a violation has occurred. The decision shall be made within fifteen (15) school days and the complaining employee shall be advised of the outcome.

The name or identity of an individual filing a Whistleblower Complaint shall remain confidential.

An individual who, in good faith, reports conduct that is thought to be a violation of law, Board of Education Policy, or administrative regulation shall be fully protected against actual or attempted retaliation, intimidation, threats or similar acts.

## **4000.06-AR**

## **Appeals**

A staff member may object to or appeal a decision made pursuant to Series 4000 of the District's Administrative Regulations. The appeal must be made within 10 days of the disputed decision. The appeal must also be in writing and addressed to the District's Assistant Superintendent of Human Resources. The Assistant Superintendent of Human Resources will meet with the complaining individual regarding the appeal and will provide the person appealing the decision with such due process as may be required by law, if any. The Assistant Superintendent of Human Resources will issue a response to the staff member within 10 days of receiving the appeal.

A staff member who objects to the decision of the Assistant Superintendent of Human Resources on appeal may seek further appeal to the Superintendent. This appeal must be filed within 10 days of receiving the response from the Assistant Superintendent of Human Resources and should include a copy of the original appeal, the decision of the Assistant Superintendent of Human Resources, and an explanation as to the specific reasons why the staff member disagrees with the decision of the Assistant Superintendent of Human Resources. The Superintendent may hold a meeting between the staff member and the Assistant Superintendent of Human Resources, but is not required to do so. The Superintendent's decision on appeal will be final and binding. An appeal may be dismissed by the District if another appeal procedure is available under the law, a collective bargaining agreement, or District policies and administrative procedures.

**5000.01-AR****Budget Planning and Adoption**

By law, the Board is required to adopt a budget prior to July 1 of each year, to be in place for the ensuing school year. The Superintendent is responsible for preparation of the budget and its timely presentation to the Board. Following adoption by the Board, the Superintendent will regularly inform the Board of actual or anticipated variances that may occur during budget implementation and recommend any action that may be required to be taken by the Board.

The District's administration will account for and report the District's various funds and accounts in compliance with GASB 54. The Board desires to maintain, in stable economic times, a fund balance of five (5) to ten (10)% of the District general fund annual operating expenditures to insure a stable operating environment during the fiscal year. Therefore, the District's administration will develop each year's budget with a minimum ending fund balance target of five (5) to ten (10)% of the General Fund's expected total expenditures and transfers.

The purpose of the District's fund balance is to provide sufficient financial resources to provide a high level of stability in the financial operations of the School District. Fund balance measures the net current financial resources available to finance expenditures of future periods. Fund balance is the difference between assets and liabilities reported in a governmental fund.

**5000.02-AR****Budget Planning and Adoption  
and Financial Reporting**

The Superintendent designates the District's Deputy Superintendent of Administrative and Business Services (the Deputy Superintendent) as the District administrator with primary responsibility for developing and proposing the District's annual budget and any necessary or prudent budget revisions. The Deputy Superintendent will also be the District administrator with primary responsibility for preparing and delivering such reports and data as may be required by the State of Michigan.

The Deputy Superintendent will develop and present to the Superintendent a proposed annual budget on or before June 30 of the preceding school year. The proposed annual budget will meet all applicable legal requirements and, in addition, will be consistent with Board policy and administrative procedures and best practices, including GASB 54. The Deputy Superintendent will develop and present to the Superintendent, in a timely fashion, such proposed amendments to the District's annual budget as may be warranted by the District's financial circumstances.

In a timely fashion, the Deputy Superintendent will prepare the reports and data that the District is required to file with the State of Michigan and post on its web site. These reports will be submitted to the Superintendent for review and approval before they are filed or posted. The Deputy Superintendent will also prepare and deliver such other reports and data as may be requested by the Superintendent or the Board.

## 5000.03-AR

## Purchasing

As reflected in Board of Education Policy 5000.03, Purchasing, the School District seeks to purchase materials, equipment, and supplies for School District operations on a competitive basis. Professional services are not covered by this Regulation.<sup>1</sup>

### Procedures

- All purchases of materials, equipment and supplies shall be electronically approved or authorized through the SMART System.
- Prior to issuing a purchase order, competitive pricing is to be pursued, as follows:
  1. **Competitive Bids.** The competitive bidding process will be followed, where required by law.
  2. **Purchases Not Subject to Competitive Bidding.** In all other instances, the School District shall use measures, considered reasonable under the particular circumstances, intended to reach the largest number of possible proposers.
- Orders or contracts will be awarded to the lowest, responsible, qualified vendor, considering the following factors:
  1. Price;
  2. Quality of the product;
  3. Conformance to specifications and identified needs;
  4. Service and maintenance of the product; and
  5. Vendor reliability.

## 5000.04-AR

## Disposal of Surplus Property

Periodic review of all real and personal property owned by the School District to determine whether any property is no longer needed for School District purposes will occur at least annually. This may be due, in part, to the fact that the property is outdated or broken and beyond repair. The following procedures will be followed in disposing of surplus property:

**Disposal of Surplus School District Land or Buildings** The Superintendent or his/her designee will periodically review the real property owned by the School District to determine whether any such property is believed to be no longer needed for School District purposes.

The Superintendent or his/her designee will recommend to the Board of Education that it consider disposing of any real property that has been identified as no longer needed for School District purposes. The recommendation may include the estimated value of the property and possible means of disposition.

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<sup>1</sup>\*The criteria for awarding contracts for professional services will be determined by the Board of Education, following recommendations from the Superintendent, on an ad hoc basis.

Where the Board authorizes the sale or other disposition of real property of the School District, the Superintendent may, with concurrence of the Board, establish the asking price and other minimum terms. This information may be disseminated to real estate brokers, agents, and other persons who have indicated an interest in acquiring the property and the property may be listed or advertised for sale.

Any notice will include, but not be limited to, the following information:

- That sealed offers (or bids) are being solicited.
- The date for submission of offers (or bids) with a statement that late offers (bids) will not be considered.
- The type of offers desired – cash, lease or exchange.
- The amount of an earnest money deposit which must accompany an offer.
- That the property is offered “as is,” unless otherwise authorized by the Board.
- That the person seeking to acquire the property will be given an opportunity, at the prospective purchaser’s sole expense, to inspect and perform testing customarily required in connection with the purchase of similar property during a period of not more than ninety (90) days (unless otherwise authorized by the Board) and that restoration of the premises and indemnity will be required to be provided by the person or entity seeking to acquire the property.
- That title insurance will be provided by the School District.
- That the offer must be irrevocable for ninety (90) days;
- That a contract to dispose of real property owned by the School District shall not be binding upon the School District unless and until approved by the Board of Education through resolution at a public meeting and executed by the person or persons specifically authorized to do so by the Board.
- That the School District reserves the right to accept or reject any and all offers, in whole or in part, and reserves the right to negotiate the terms and conditions or any offer deemed to be in the best interest of the School District.

The Board may require that all offers be presented in a particular form established by the School District.

Written offers will be submitted to the Board, together with a recommendation from the Superintendent.

A proposed agreement of sale, exchange, or lease of property may be reviewed by legal counsel for the School District prior to its submission to the Board.

The Board of Education will deliberate regarding the disposal of real property at an open, public meeting and make its decision at an open public meeting.

**Disposal of Other School District Property** The Superintendent or his/her designee shall periodically prepare a list of the personal property of the School District that is found to be no longer needed for School District purposes. The property shall be classified within broad groupings. The Superintendent is authorized to dispose of surplus, obsolete books, equipment, and supplies valued at \$1,000 or less. Equipment having a value in excess of \$1,000 must be presented to the Board for approval and shall be disposed of as surplus.



For those items in excess of \$1,000, the list shall be submitted to the Board of Education with a recommendation for disposal of the same.

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

## **5000.05-AR Investments**

The Deputy Superintendent of Administrative and Business Services shall have primary responsibility for the investment of funds of the School District. Written operating procedures will be developed by the Deputy Superintendent of Administrative and Business Services and submitted to the Superintendent and Board of Education for approval. The District will follow procedures consistent with state law (e.g. relevant Investment Codes). These procedures will include:

- The specific delegation of authority to persons responsible for investment transactions.
- A system of controls to regulate investment activities, to be reviewed annually by an independent auditor. The controls shall include:
  1. Control of collusion.
  2. Separation of transaction authority from accounting and record keeping.
  3. Custodial safekeeping.
  4. Written or electronic confirmation of transactions for investments and wire transfers.
- The submission of a annually report to the Board of Education detailing:
  1. Portfolio diversification
  2. Maturity structure
  3. Potential risk to School District funds
  4. A comparison of the performance of the School District's portfolio with generally followed market measures.

## **5000.06-AR Investment of District Funds**

In accordance with MCL 380.1223, the Board shall authorize the investment of district funds by the Treasurer. In order to facilitate the investment and deposit of funds, the Treasurer may delegate these duties to the Deputy Superintendent of Administrative and Business Services, subject to law and this policy.

The Deputy Superintendent of Administrative and Business Services shall annually submit to the Treasurer and the Board a listing of institutions through which investments shall be made and the types of investments that may be made during the year. The list of institutions and investments will contain only the names and instruments allowed by applicable law and may be amended during the year. No investments shall be made in derivatives, leveraged investments or other instruments with a significant risk of price volatility at the time the proceeds of the investment may be needed, without the specific

authorization of the Board. When considering a particular investment, the following criteria shall be used, in order of priority:

- Preservation of principal;
- Cash flow needs;
- Yield;
- Coordination with other available financial services and district administrative needs.

### **5000.07-AR Risk Management**

The School District promotes safety and accident prevention for its students and employees. The following on-going measures are designed to further this undertaking. Building principals shall regularly report to the Superintendent or his/her designee: (1) all accidents, injuries and property loss or damage within their school buildings; and (2) perceived risks of future harm within their buildings and recommendations to minimize such risks.

The Deputy Superintendent of Administrative and Business Services or his/her designee shall: (1) arrange for education of students and in-service for employees on matters of school safety, as required by law. And (2) review all School District insurance policies and recommend to the Superintendent and the Board of Education areas in which modifications in coverage are warranted.

### **5000.08-AR Use of Facsimile or Electronic Signatures for District Checks**

The signature of the Superintendent shall appear on all checks. Access to the Facsimile or Electronic Signature shall be safeguarded by the Business Office.

### **5000.09-AR Travel Reimbursement**

Travel expense and mileage allowance limitations shall apply to district employees and board members. Employees must submit for approval the required travel reimbursement form prior to and/or following said travel. The District reimburses at then-current IRS rates.

### **5000.10-AR Bids, Purchasing and Procurement**

The purpose of this Administrative Procedure is to provide instructions for bidding, purchasing and procurement in a manner that will:

- Obtain goods and services of the best possible quality and price to meet the needs of District students and staff;
- Allow the District to document to its stakeholders that available financial resources are being used efficiently; and
- Ensure compliance with the provisions of state law and Board Policy.

The procurement policy outlined below has been developed in compliance with: Section 380.1267 and Section 380.1274 of the Revised School Code; Michigan Department of Education's Competitive Bid

Threshold Letter; the Bulletin for School District Audits of Bonded Construction Funds and of Sinking Funds in Michigan published by the Michigan Department of Treasury; and School District Policy, as applicable.

### **General Principles**

**Applicability.** Purchasers using District funds shall act responsibly to obtain those items that meet the District's needs at the best possible price, and in accordance with State law and Board Policy. All District employees are accountable for following this procedure when purchasing goods and services using District funds. All purchases are subject to administrative approval.

**Lowest Responsible Bid.** In evaluating competitive proposals, the recommended price is not automatically the lowest initial expense. Proposed purchases should consider other factors, such as:

- The costs of shipping or pick up,
- Reasonable estimates of supply and maintenance costs over the lifetime of the item purchased,
- The past performance of the proposed supplier,
- Compatibility of the product with existing equipment, and
- Likely resale or salvage value at the end of the item's useful life.

**Split Purchases.** It is not permissible to obtain multiple smaller invoices for like items from the same vendor over a short period of time, or piecemeal individual purchases for a large project, in order to avoid competitive bidding requirements.

**Procurement of Supplies, Material, and Equipment** MCL 380.1274 states that a school district shall not purchase an item or a group of items in a single transaction at or above the State competitive bid threshold (and are consistent with the MDE Competitive Bid Threshold requirements) unless competitive bids are obtained for those items and the purchase of those items is approved by the School Board. This threshold amount is adjusted annually by the Michigan Department of Education and reported to each school district in September of each year.

**Procurement of Construction Services and Project – Related Work** MCL 380.1267 requires the District to obtain competitive bids prior to the commencement of construction of a new building, or the addition to or renovation of an existing school building. However, MCL 380.1267 does not apply to:

- Repair in emergency situations;
- To repair work normally performed by school district employees;
- Or buildings, renovations, or repairs costing less than State competitive bid threshold.

MCL 380.1267 requires the board to advertise for bids at least once in a newspaper of general circulation in the area where the construction or renovation is to take place. In addition, the District must advertise the project on the Department of Management & Budget bid website ([www.buy4michigan.com](http://www.buy4michigan.com)) for two weeks.

The advertisement should contain the following:

- Date, time and location where bids are to be received by the Board or its designee.

- Date time and location of the public opening/reading.
- Statement: Late bids will not be accepted.
- All bids must be accompanied by a statement disclosing any familial relationship that exists between the owner or any employee of the bidder, Board member, or administrator.
- The District may reject all bids.
- Proof that the company is bondable.
- Performance bond naming the School District as obligee.
- Statement that all bidders are to certify that they will pay prevailing wage (for bonded construction projects).

MCL 380.1267 section (5) requires that all bids be opened and read aloud at a public meeting at the time and date for bid submission specified in the advertisement for bids.

MCL 380.1267 allows the board to reject any and all bids, but must re-advertise in the same manner as for the original bids. In addition, the School District may require a written rationale from an administrator for single source manufacturer bids or recommendation of acceptance of other than the low bid. (Note: The situation involving a single source manufacturer does not preclude the District from complying with State bidding requirements.)

MCL 2380.1274 allows for Michigan-based business preference in awarding bids.

### **Bidding Requirements**

**Purchases Requiring Informal Competition (50% of the State Bidding Threshold).** For purchases of more than \$1,000, but less than the State Bidding Threshold the purchaser will ordinarily be required to retain evidence of price competition. These may be in several forms, including:

- Written quotations obtained from vendors;
- Catalog prices (taking into account any discounts the district may be entitled to receive);
- Reliance on bids taken by other governmental or non-profit organizations or purchasing consortiums (such as the State of Michigan, REMC, HPS); or
- Price quotations obtained by e-mail or telephone with proper documentation. Proper documentation should include:
  1. The vendor contacted and person spoken to;
  2. The exact item offered including brand and model, and
  3. The date of the conversation.

The person making the purchase should obtain enough quotations to ascertain the best price was secured. Ordinarily, three quotations from major suppliers should be sufficient.

**Purchases Requiring Formal Competition (at or above State Bidding Threshold).** Section 380.1267 of the Revised School Code outlines formal competitive bidding requirements. The dollar threshold required by the State for obtaining competitive bids is updated annually.

In many cases, the State of Michigan or other entities may solicit bids on behalf of a number of school districts or other governmental units. In situations where the timing required to formally receive bids for non-construction goods and services may jeopardize District programming, if such a solicitation meets the District's needs, it may qualify for meeting the goal of price competition. Otherwise, district staff must solicit bids.

A written request for bids is prepared and published in a form likely to reach the greatest number of potential offers. The bid request contains the complete specifications for the requested goods or services, including payment terms and delivery and warranty requirements. The bid request specifies the form in which the offer must be submitted, the address to which the offers must be submitted, the deadline for submission, and the time and place at which the bids will be publicly opened and read. In addition, there is standard language that must be included in most bid requests. Contact the Business Office for assistance before releasing a bid document.

### **Approval Authority**

**Administration Approval.** The Board of Education establishes and approves operating budgets that serve as the point of control for on-going and regular operating expenses for the District. The approved budget is allocated among school buildings and support departments. School and department administrators may approve purchases according to the Bid Purchase Procurement Guidelines, as stated in section 5000.10-AR.

Authorized District personnel may use assigned District purchasing cards for individual purchases that fall within approved building/departmental budgets.

Except in the case of emergencies (see below), no Administration staff member is allowed to approve any expenditure, where such expenditure exceeds the total Board approved budget.

**Board Review and Approval.** Major purchases exceeding the State bid limit must be approved by the Board at a regular or special call Board meeting.

**Change Notices / Contract Addendums** For capital expenditures and project items, it may be necessary for the contractor to issue a Change Notice(s) for work that is outside the initial scope of work. When it is necessary to issue a Change Order, the Deputy Superintendent of Administrative and Business Services may approve such changes up to a maximum amount of \$50,000 without Board of Education approval.

Change Orders in excess of \$50,000 require Board Committee review. In the event that a particular Change Order requires review in advance of a Board Committee meeting, and would otherwise adversely impact District programming or project timing if review was delayed, the Superintendent will notify the Board of the need to approve the Change Order in writing to proceed with the Change Order.

Change Orders of \$50,000 or more require Board approval at a regular or special call Board meeting.

**Emergency Purchases** Relative to this procedure, an emergency is defined as a situation where immediate action is required to address imminent danger, to preserve valuable property, or to avoid interruption of District programming. (Fire and flood would be clear examples of emergencies). An emergency is further defined to include situations which may cause an extreme negative financial impact to the District if immediate action is not initiated.

If procurement of goods and/or services is required to address an emergency, normal purchasing requirements are waived assuming that compliance was not possible and the Building Administrator or Director acted in good faith. In emergency situations involving major expenditures (bids that exceed the MDE bid threshold), the administrator must immediately notify the Deputy Superintendent of Administrative and Business Services. Further, the administrator must prepare the necessary purchasing

documentation associated with such emergencies within three school days following the event. Board approval, where needed, will be sought after the fact as soon as it is reasonably possible.

**Requisition Preparation, Approval, and Purchase Order Processing** Upon approval of the appropriate authority, Building/Department administrators, or their designees, prepare requisitions in SMART. Building/Department administrators review requisitions to ensure alignment with district programming and overall district goals, and to ensure that expenditures are containable within approved budget levels. If insufficient budget exists for a critical or non-discretionary purchase, the Building/Department administrator should review available budgets in other accounts, and request a budget transfer from the Business Office. This can be accomplished via e-mail, or by using a designated Budget Transfer form, sent to the Deputy Superintendent of Administrative and Business Services.

Building/Department administrators must approve all requisitions based upon Board-approved budget levels before further processing can occur. For purchases over \$500, requisitions must also receive approval of the Deputy Superintendent of Administrative and Business Services before further processing can occur. The Business Office confirms that all required electronic approvals for proposed requisitions have been obtained, verifies the appropriate account to be charged, and then converts the requisitions to Purchase Order status within SMART. Purchase Orders are then released to the designated supplier or vendor.

## **5000.11-AR Receiving, Invoicing, and Bill Payment**

### **Procedure**

- Materials, supplies or services are received by the requesting building or department. Proof of receipt is sent to the Business Office.
- The Business Office receives invoices – directly from the supplier or from another staff member to whom the invoice was sent – and verifies the receipt of goods and services specified on the invoice.
  1. If an invoice is received without available proof of delivery, the Purchasing personnel will contact the requisitioner, and request written confirmation of receipt. ***Under no circumstance will payment to a supplier or vendor be made without staff member written confirmation of receipt.***
- The Business Office prepares checks weekly. In situations where there are unplanned or late-developing needs, the Business Office may prepare a check outside the normal weekly batch processing.
- The Monthly Check Register is uploaded to the District's web site.
- Authorized purchasing personnel reviews and signs the monthly charge card usage report.

## **5000.12-AR Multiple Bids**

Bids will be procured for all single item purchases of goods per state mandated minimal threshold. When recommending acceptance of a bid, the Superintendent or designee shall inform the Board of all other bids. In the absence of acceptable bids, a price may be negotiated. Sole source and sole manufacturer bids or acceptance of other than the low bid shall require a written rationale by the administration.

NOTE: Professional services or continuing contracts will not require bidding or annual re-bidding except in cases where administration considers it in the best interest of the school district to do so.

NOTE: Per Michigan law, in the event of natural disaster or other calamity, the Superintendent is authorized to spend money per state mandated minimal threshold, without bids, to effect emergency repairs.

In cases where other laws or other regulations apply (such as grants), the applicable rules shall be applied.

## **5000.14-AR Post-Issuance Tax Compliance**

The purpose of this Post-Issuance Tax Compliance Policy is to establish guidelines and procedures in connection with tax-exempt or tax-advantaged bonds and other debt obligations issued by the District (generally referred to as "Obligations"). Tax exempt borrowings and other borrowings of the District, including but not limited to tax-exempt bonds, refunding bonds, tax credit bonds, installment and lease purchase agreements, lines of credit, and state aid notes (SAN) and tax anticipation notes (TAN) are collectively referred to as "obligations".

It is the intent of the District to ensure that all tax-exempt obligations issued by the District satisfy all requirements of the Internal Revenue Code of 1986, as amended (the "Code") and regulations there under (the "Regulations").

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

## **5000.15-AR Grant Management**

Grant personnel will use applicable grant guidelines for spending and purchasing as articulated in the applicable grant packet.

**Allowability** The allowability of costs posted against federal grants and awards is governed by the program legislation, pertinent federal agency regulations, including those referenced in 2 CFR 200.302(b)(7), and the terms and conditions of the grant or award. School District personnel are also expected to comply with the December 2013 OMB Supercircular, entitled "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," applicable Michigan law, and applicable School District policies and administrative regulations.

The School District's Director of Finance must approve all costs posted against federal grants and awards and, then, only after the School District's grant or award manager has approved a received bill or invoice. Payroll costs will be documented according to the December 2013 OMB Supercircular. When permitted by the grant or award, indirect costs will be charged using the rate approved by Michigan Department of Education.

This administrative regulation gives effect to the Board of Education's Meal Charge/Food Services Policy. Currently, the School District provides free breakfasts and lunches to its students. Thus, regulation is only applicable in the event the School District no longer provides free breakfasts and lunches to its students.

**Requests for Reduced-Price of Full-Price Meal Benefits** Parents may request reduced-price or full-price meal benefits by submitting [the appropriate form] found at [link], or by contacting [person, title or department] at [contact information].

**Meal Account Balance** Payment for school meals is expected at the time of purchase. Parents are expected to regularly monitor their child's meal account balance online, at [link].

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

**Insufficient Funds.** The School District recognizes that, at times, students may come to school without sufficient funds in their meal account. If so, elementary school students may charge up to [number] lunches. Middle and high school students may charge up to [number] lunch. After the maximum number of lunches has been charged, an emergency lunch will be provided. The emergency lunch will consist of [items]. No more than [number] emergency lunches will be provided per child per school year. Emergency lunches will be charged to the student's meal account and the student's parents or guardians are responsible for reimbursing the School District for the full amount of any emergency meals. The School District **does/does not** permit charging for breakfast.

#### **Notification and Collection**

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

Hello [parent/guardian]. This is [name]. I am the [position/title] at [school]. I am calling to let you know that [student] has a low balance of \$[X] in their school meal payment account. To ensure your child has enough money to purchase school meals, please add funds to their account as soon as possible. You may do so by going to [link] and using a debit or credit card. If you have any questions, please call us at [general contact information]. Thank you.

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

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



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

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

[Date]

[Parents/Guardians' Names and Address]

Dear [Parents/Guardian]:

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

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

Please contact [person] at [contact information] if you have any questions. To review [Name of District]'s Meal Charge/Food Services Policy, please visit [link]. We would be happy to work on a repayment plan with you.

You may pay your child's negative account balance at [link] using a debit or credit card or by sending a check payable to [person/department/district] at [address].

Please note that if your child has incurred a negative account balance, and do not pay off the balance within [number] days of receipt of this letter, or by the end of the school year, whichever is first, we will have no

choice but to send the negative balance to collections and close your child's meal account.

If you think your child may qualify for a free or reduced-price meal, please submit [\[the appropriate form\]](#) found at [\[link\]](#).

Thank you for your quick payment.

Sincerely,

[\[Person, title\]](#)

CC: [\[Name of teacher, principal, superintendent, as appropriate\]](#)

District personnel shall keep records of all such letters sent.

**Bad Debt** The School District defines bad debt as uncollectable/delinquent debt from inactive student meal accounts that has been determined to be uncollectable by December 31st of the year in which the debt was incurred or, in the event the debt was transferred to the next consecutive school year, December 31st of the next fiscal year. Debt is considered uncollectable/delinquent if: (1) the District has exhausted its collection attempts, as described in the preceding section; and (2) by December 31st of the current or year after the debt was incurred, the student was inactive by June 30th. A student is inactive if s/he was no longer enrolled in the School District or had graduated by June 30th. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, the debt is classified as bad debt. Bad debt shall be classified as an operating loss.

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

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

**Audits and Reviews.** Upon request, the District must make accounts and records regarding its school food service available to the Michigan Department of Education and/or the United States Department of Agriculture, Food and Nutrition Service for audit or review. Such records shall be retained for a period of three years after the date of the final claim for federal reimbursement for the fiscal year in which the charges were incurred. The District may be required to keep such accounts and records for more than three years if the audit or review results in issues that require District correction, up until all such issues are resolved.

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

## **6000-AR FACILITIES AND OPERATIONS**

### **6000.02-AR Safety and Security**

A comprehensive facilities inspection and maintenance program is required in order to assure that School District facilities and grounds are kept safe, clean and attractive. The Executive Director of Maintenance and Operations shall coordinate an inspection program that includes, at a minimum:

- Mechanical Systems (heating, ventilation and air conditioning);
- Electrical (interior and exterior);
- Roofs;
- Windows and Doors (interior and exterior);
- Gates and Fences;
- Interior Surfaces (floors, ceilings, walls);
- Fire Equipment;
- Restrooms (accessibility, functionality and cleanliness);
- Sewers;
- Playground/School Grounds; and
- Overall Cleanliness (School grounds, buildings, common areas, and individual rooms)

The Board will continue to install and use exterior and interior security cameras to maintain safety and security at District buildings. The Superintendent will establish administrative procedures governing the use of District security cameras.

The Superintendent appoints the Deputy Superintendent of Business and Administrative Services as the District administrator with primary responsibility for safety and security on District premises and District-related events. The Deputy Superintendent of Business and Administrative Services will, among other things, propose and, upon the Superintendent's approval, implement a comprehensive facilities inspection and maintenance program to promote the safety, cleanliness and attractiveness of District premises. The recommended program will, at a minimum, include the inspection and maintenance of: mechanical systems; electrical systems; roofs; windows and doors; gates and fences; interior surfaces (including ceilings); fire equipment; restrooms; sewers; and, play grounds and other school grounds. The Assistant Superintendent will, at least annually, submit a report concerning the safety and security of District premises to the Superintendent, including any recommendations to improve school safety and security.

Pursuant to Section 1241 of the Revised School Code, the Board appoints the Director of Student Services as the School District's school safety commission liaison. The liaison will work with the statewide School Safety Commission and the Office of School Safety to identify model practices for determining school safety measures.

## 6000.03-AR

## School Crisis and Response

A School Crisis Response Team shall be appointed by the Superintendent each school year. The Team will meet annually to review and consider revisions to the School District's School Crisis Response Plan.

**School Crisis Team** The Superintendent authorizes and directs the principal of each building to appoint a school crisis team to respond to coordinate the response to crises that may arise at the building. The principal of each building will notify the Superintendent of the members of the building's crisis team no later than September 15 of each school year.

**Emergency Operations Plan** The Board will develop and adopt an Emergency Operations Plan pursuant to MCL 380.1308b of the Revised School Code.

## 6000.04-AR

## Hazardous Chemicals and Substances

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

**Hazard Communication Program** The Executive Director of Maintenance and Operations shall have primary responsibility for conducting an annual review and making recommendations to the Superintendent for revisions to the School District's Hazard Communication Program. The Program is to include, at a minimum:

- Container labeling
- Safety Data Sheets
- Employee Information and training
- Identification of hazardous substances known to be present within the School District

**Procedures for Storage and Disposal of Chemicals** The Executive Director of Maintenance and Operations shall develop procedures for the storage and disposal of chemicals used within the School District.

## 6000.07-AR

## Integrated Pest Management

The School District is committed to providing students, staff and members of the school community with a school environment that is free of pests. It is also essential to implement pest management strategies that reduce the use of harmful pesticides. The Executive Director of Maintenance and Operations is designated the Integrated Pest Management manager for the School District. He/She will:

- Review and recommend to the Superintendent revisions to the School District's Integrated Pest Management Plan;
- Develop and implement specific procedures to identify pest problems, review control options and application strategies and select, in each particular instance, the least toxic control method to manage problems; and
- Educate and train staff on pest identification and, safe application strategies.

## 6000.09-AR

## School Bus Transportation Program

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

**Eligibility** Students who meet the School District's requirements are eligible to ride a school bus, as follows:

- Resident students of the District attending School District schools and living at or beyond the distances from school as prescribed below:
  1. Kindergarten through sixth grade. One (1) mile from the student's school.
  2. Seventh grade through 12 grade. One-and-a-half (1.5) miles from the student's school.
  3. Transportation for students with disabilities will be provided in accordance with the Revised School Code and with the students' Individualized Education Programs (IEPs), as required and applicable.
- Any regularly enrolled student of the District participating in sanctioned field trips, band trips, athletic contests, etc.
- Adults serving as sponsors, chaperones, etc., for any of the activities covered by (2) above.

Non-public student transportation will be provided in accordance with the Revised School Code.

**Use of School Buses for Non-School Functions** School buses shall not be loaned or rented to commercial, private or non-profit organizations, nor any other organization. School buses may be used for non-school functions when staffed by District personnel and upon prior approval from the Deputy Superintendent of Business and Administrative Services.

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

## 6000.10-AR

## Stormwater Discharge

The Superintendent appoints the School District's Executive Director of Maintenance & Operations to determine whether the School District is required to obtain an NPDES Municipal Separate Storm Sewer System (MS4) discharge permit and, if so, to obtain a permit and create a Stormwater Management Program Plan (SWMP) or any other mechanism that implements and carries out those inspections, procedures, and best practices necessary to comply with permit requirements.

## 7000-AR SCHOOL-COMMUNITY RELATIONS

### 7000.01-AR

### Goal

Through Board of Education Policy 7000.01, the Board recognizes the importance of community input in School District planning and operations. In order for that input to be meaningful, the community must be kept informed about District accomplishments, short-term and long-term challenges and the planning that is necessary for District operations.

**Media Utilization** The School District will: regularly post information on the School District website; consider School District-wide mailings on issues of importance; schedule public forums for the dissemination of information and to receive feedback from the community; and work with local media to share School District information with the community

### **Freedom of Information Act (FOIA)**

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

**Requesting Public Records.** Under FOIA, the Superintendent of Schools is the School District's "FOIA Coordinator". As permitted by the Act, the Superintendent has designated a FOIA administrator: Administrative Assistant for the Office of Superintendent. The FOIA administrator is responsible, on behalf of the Superintendent, for receiving, processing, granting and denying requests for public records. Public records may be requested by providing the School District's FOIA administrator with a written request that identifies the public records with enough specificity to permit the School District to locate them. For requesters other than indigent persons, the request must also include the requester's complete name, address, and contact information or, if the requester is other than an individual person, such as a company or organization, the request must also include the complete name, address, and contact information of the requester's agent who is an individual person. The written request may be on paper or it may be electronic or digital.

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

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

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

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

## **Types of School District Responses.**

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

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

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

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

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

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

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

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

## *Reproduction Costs.*

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

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

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

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

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

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

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

*Good-Faith Deposit.* The District may require a good-faith deposit from a requestor before providing public records if the total allowable fees exceed \$50.00 and the District provides the requestor with an estimate of total allowable fees using the Itemization of Allowable Fees and Costs form. The good-faith deposit may not exceed 50% of the total allowable fees and costs. The District's request for a good-faith deposit will include a reasonable and best efforts estimate of the time frame within which the District will provide public records after receiving the good-faith deposit, along with notice that the good-faith deposit is due within 48 days of when the request was sent or else the request will be considered abandoned. The School District is not required to fulfill abandoned requests. Requests are not considered abandoned if the requestor has filed an appeal of the good-faith deposit request within the 48-day timeframe. The District may charge an increased good-faith deposit of up to 100% of the estimated fee before it begins a full public record search for a person who has previously failed to pay allowable fees in full if: the final allowable fees were not more than 105% of the total estimated fees; the public records provided contained the information sought in the prior request and are still in the District's possession; the public records were provided within the School District's reasonable best efforts estimate for the



prior request; ninety (90) days have passed since the District notified the requestor the public records were available for pickup or mailing; the requestor is not able to show proof of prior payment; and, the School District calculates provides a completed Detailed Itemization of Allowable FOIA Fees form that is the basis of the increased good-faith deposit. However, the District may not insist on an increased good-faith deposit if: the requestor shows proof of prior payment; the District is paid in full for the prior request; or, three hundred and sixty-five (365) days have passed since the requestor made the request for which full payment was not remitted.

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

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

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

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

## 7000.02-AR Use of Buildings, Facilities and Property

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

The School District facilities currently in use for the K-12 instructional program are made available to responsible groups and organizations in accordance with Board of Education Policy 7002 and the following administrative procedures. Citizen groups and organizations requesting the use of District facilities are assessed fees according to the classifications outlined below. All facility use is managed through the then-current online system.

**Affiliated Groups** With District consent, affiliated groups may use school facilities on a no-charge basis if they agree to meet in the most cost efficient space available and if they agree to meeting during regular custodial working hours, Monday through Thursday. If the activity is scheduled on a Friday, during a weekend or a vacation period or if the activity extends beyond the regular working hours, the affiliated group will pay the facility use fee as well as related custodial and maintenance costs. Affiliated groups membership must be composed of School District residents.

**Non-Affiliated Groups** Non-Affiliated resident groups are those organizations not described in the above category. Requests to use available space should be submitted through the then-current online system.

All School District residents and organizations are expected to pay fees to cover personnel costs for persons such as food service staff, custodians, lifeguards, athletic field supervisor, special equipment operators, technicians, student technicians and utility fees. Direct payment to District employee is prohibited.

**Procedure for Building Facility Permits** All facility requests are handled through an online portal. Potential renters should go to <http://www.wwcsd.net>; choose the QuickLinks drop-down menu in the upper right hand corner; then choose Facility Request. At that site, there is a document which gives directions on how to navigate the online portal. There is a link to the portal in that document. Before requesting a facility, an entity needs to be added as an official organization in the FSDirect database. To do that, the Business Office should be contacted and provided the following information:

- Official name of the organization;
- Billing address for the organization;
- The organization's EIN number;
- Name of a contact person for the organization;
- Email address for the contact person; and
- Telephone number for the contact person.

Upon receipt of the above information, the database will be updated. The prospective renter is then contacted and advised they are eligible to enter a request for facilities use.

The minimum window for a rental request to be approved is two weeks. Payment is required, in full, in advance of an event. The District is able to accept corporate checks, money orders, cashier's checks, and cash (exact change only).

Questions regarding the above should be directed to the Business Office.

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

- Those in attendance must confine themselves to the area rented by the organization.
- The use or sale of alcoholic beverages and tobacco is not permitted on the premises. Violators will be subject to removal, possible prosecution, and revocation of future rental opportunities.
- School District facilities are not available for private parties.
- All current fire and safety regulations must be strictly observed. No open flames are permitted at any site.
- An employee of the School District will be on site during events.
- Users of School District facilities will be fully responsible for damage to school property occasioned by the group's use of School District property. The renting organization will be required to replace damaged property at its sole cost and expense.
- The Board of Education requires all users of School District facilities to carry comprehensive general liability insurance with limits of not less than \$1,000,000 per occurrence and \$1,000,000 annual aggregate, and provide proof of same. Furthermore, Wayne-Westland Community Schools shall be named as an additional insured.

### **7000.03-AR Gifts, Bequests, and Donations**

The School District very much appreciates the generosity of donors who wish to recognize the District with monetary donations or gifts of property. In order to assure that the District does not incur a cost as a result of the gift that approaches or exceeds its value, all gifts, bequests and donations should be submitted to the Superintendent of Schools for approval. As reflected in Board of Education Policy 7000.03, the Superintendent or his/her designee will review an offered gift to assure that the gift:

- Is free of any restriction that is contrary to law or inconsistent with Board policy;
- Is, in the opinion of the Superintendent, fitting and appropriate for District use;
- Does not require excessive installation, alteration or maintenance costs, or otherwise require a large commitment of District resources;
- Contains no commercial advertising.

### **7000.04-AR Flyer Distribution**

Flyers are presented for approval to the Office of Academic Excellence (OAE) from outside agencies either by email or in person. Flyers are approved or denied by the administrative assistant to the Assistant Superintendent within one week of receipt. Upon approval, the flyer will be sent electronically to the appropriate building(s) and families via an Eblast from the Office of Academic Excellence. A list of approved flyers will also be published in This Week in Wayne-Westland.

Activities/programs advertised on the flyer should be of general interest and/or beneficial to students and/or their families, offered locally, and be free or for a nominal charge. Activities/programs advertised on flyers generated by for-profit entities/businesses will not be approved. Flyer from community organizations may be considered for approval upon further review. Flyers without approval are not to be distributed.

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

**Complaint Procedure** A complaint shall:

- Be in writing;
- Be signed by the complaining parties;
- Set forth the specific acts, conditions or circumstances of concern;
- Identify the relief being requested, that is within the authority of the District to grant; and
- Be submitted to the person in charge at the closest point of origin (typically the building principal)

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

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

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

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

The parties involved in the complaint will have the opportunity to meet with the Superintendent within 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; or
- Meeting with the parties involved in the complaint.

The response of the Superintendent shall either:

- Deny the allegations contained in the complaint; or
- Identify the corrective measures deemed necessary to remedy the complained of act, condition or circumstance within the District.

In the event the citizen is dissatisfied with the decision of the Superintendent, the citizen may appeal the decision to the Board of Education. The appeal shall be submitted in writing, within five (5) school days after receipt of the Superintendent's written decision.

Where a complaint is appealed to the Board, the Board may consider the appeal on the existing record or schedule a hearing.

The Board shall make a decision and inform all parties in writing within 20 school days after its review.

## **7000.06-AR District Support Organizations**

Except for student-initiated organizations, all District-sanctioned support organizations must be recognized by the Internal Revenue Service as non-profit, 501(c)(3) charitable organizations prior to engaging in any activity. The Board expects all organizations to operate in a manner consistent with public expectations for the School District and reserves the right to prohibit organization activities at its sole discretion or at the sole discretion of the appropriate building principal. All district support organizations are expected to abide by the Board's policies and these administrative regulations.

**Approval** Except for student-initiated organizations, each district support organization must be sanctioned by the School District before engaging in any activity. Each district support organization will submit a copy of its bylaws and/or Articles of Incorporation and proof of 501(c)(3) status to the appropriate building principal for review and approval. Each organization will also notify the building principal of any upcoming district support events. Each organization is required to timely inform the building principal in the event the IRS revokes the organizations 501(c)(3) status for any reason.

## **7000.07-AR Digital Communications**

Digital communication (including social networking) provides educational and other opportunities for staff and students. There are also potential pitfalls arising from, among other things, the speed, permanence and perceived anonymity of digital communication. These regulations are intended to help staff and students take advantage of opportunities presented by digital communication in a manner that enhances education, student achievement and appropriate relationships between staff, students, parents and the larger community. These regulations are not intended, and should not be interpreted, to limit the legal rights of any person.

**Digital Communication Involving Students** Digital communication between staff and students should always be professional and of the same content, tone and demeanor as in-school communications. This applies to direct communication between staff and students and to communication to which students reasonably may be exposed. Unless otherwise protected by law, examples of inappropriate digital communication include, but are not limited to:

- Communication that violates Board Policy, such as: communication that discloses personally identifiable information about students (see FERPA Policy); communication that violates Board Policy against illegal harassment (see Discrimination and Harassment Policy); etc.
- Communication that is false or misleading.
- Communication that attributes personal views to others, including the School District.
- Communication that defames, insults, derogates or embarrasses staff members or students.
- Communication that defames, insults, derogates or embarrasses Board members, parents or other community members.
- Communication stating or suggesting the desirability of confidentiality vis-à-vis students' parents or other staff members.

- Communication that have as its purpose the development of a romantic or sexual relationship between a staff member and a student, or that reasonably may be interpreted as having that purpose.

The School District encourages staff to use School District equipment and sites for all digital communication with students.

The School District does not have the resources or ability to police digital communication between and among students. However, students may be subject to school-imposed disciplinary sanctions when their digital communication violates the Student Code of Conduct (see, 2000.063-AR) and interferes with the rights of others or is reasonably anticipated to result in the disruption of school or school activities. Separately, the School District reserves the right to report suspected criminal misconduct to police authorities.

**Communication Involving Board and Staff Members, Parents, and Others** Digital communication between Board and staff members, parents and other community members or adults should always be professional. This applies to direct communication and to communication to which they reasonably may be exposed. Unless otherwise protected by law, examples of inappropriate communication include, but are not limited to:

- Communication that violates Board Policy, such as: communications that disclose personally identifiable information about students (see FERPA Policy); communication that violates Board Policy against illegal harassment (see Discrimination and Harassment Policy); etc.
- Communication that is false or misleading.
- Communication that attributes personal views to others, including the School District.
- Communication that defames, insults, derogates or embarrasses other staff members or students.
- Communication that defames, insults, derogates or embarrasses Board members, parents or community members and is not otherwise protected by law.

**Personal Digital Social Networking** The School District does not have the inclination, resources or ability to police the off-duty behavior of staff members. At the same time, staff must be cognizant of the fact they serve as role models for our students. Furthermore, their communications and behavior may affect the reputation of the School District and their colleagues. For these reasons, staff are reminded that off-duty digital communication may result in investigation, disciplinary sanctions or discharge when those communications, or characterizations or depictions of staff behavior, disrupts the educational environment or adversely affects or undermines their ability to perform their jobs.

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## **8000-AR GENERAL POLICIES**

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### **8000.01-AR Acceptable Use**

The School District encourages and promotes the use of technology in our schools and for school operations. To ensure students, staff and parents take full advantage of the technologies available, but in compliance with applicable law, all uses of technology in the District must have proper authorization and adhere to District policies. The use of technology is a privilege, not a right, and must be in support of and

consistent with the purposes and stated goals of the District. There are no inherent warranties for technological resources that the District is providing. The District will monitor all network activity by, for example, ensuring the presence of a teacher or other appropriate School District personnel when students are accessing the internet at school, installing filtering or blocking software on School District computers to restrict unauthorized websites, and monitoring access logs to keep track of websites visited by students in order to restrict access to newly-created or previously-unknown websites harmful to minors.

### **Guidelines**

- Students will use technology as authorized by appropriate school personnel.
- Only software legally owned and/or authorized by the District may be put on District computers/devices.
- All network activities will be legal and of an appropriate use.
- Prior approval of the building principal and District Web Accessibility Coordinator is needed to place anything on the building or District web pages.

### **Technology Users Will:**

- Comply with District policies, rules and regulations.
- Use networks and technology in support of the District's educational goals.
- Obey all District, state and national copyright laws.
- Report to the building administrator or teacher any misuse of networks and/or technology.
- Use District equipment responsibly; respect individual work, files, programs and security.
- Hold harmless the District from any and all claims or damages of any nature arising from access, use or inability to access or use the technology or network system.

### **Technology Users Will Not:**

- Intentionally tamper with computer or network components in a way that makes them temporarily or permanently inoperable.
- Access, vandalize, or modify anyone else's account, data, files and/or password without authorization of the network administrator or building principal.
- Use direct technology for commercial or 'for profit' purposes.
- Use District technology to impersonate another, or to obtain illegal copies of software or audio, text, or video materials for which the District does not have ownership.
- Use District technology to send or intentionally receive messages that are inflammatory, harassing in nature, sexist, racist or otherwise inappropriate.
- Disclose confidential information, passwords, or access codes.
- Post personal information (such as address or phone number), credit card numbers, bank account numbers, or any other financial information.

- Use District technology to distribute and/or access materials that:
  1. Violates the Family Education Rights and Privacy Act, which affords students certain rights with respect to their education records;
  2. Jeopardizes the health and safety of students; is obscene, pornographic or libelous;
  3. Causes disruption of school activities;
  4. Plagiarizes the work of others;
  5. Is a commercial advertisement; or
  6. Has not been approved by the building administrator, network administrator or web master.

Any attempt at performing one of the aforementioned prohibited acts is also prohibited.

**Internet Safety** The School District will implement software and/or other safeguards on School District-owned technology which protect adults and students from accessing images or other online depictions that are obscene, contain child pornography, and, with respect to students, are harmful to minors. The School District will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and chat rooms, and cyberbullying awareness and response, in accordance with Board policy and any implementing regulations.

**8000.02-AR Americans with Disabilities Act**  
**Section 504 of the Rehabilitation Act of 1973**

**Grievance/Complaint Procedure** The School District has adopted the following Grievance/Complaint Procedure for addressing complaints of discrimination, including those based on disability:

**Step 1.** A person who believes that he/she has been discriminated against by the District may discuss the matter informally with the immediate supervisor in the case of an employee, or the building principal, in the case of a student, or, instead, proceed directly to Step 2. [NOTE: If it is the immediate supervisor or building principal who is the subject of the complaint, the employee or student may instead contact the applicable District Section 504 Compliance Officer.] The person receiving the complaint shall verbally convey his/her findings to both the person who alleged the violation and the person who is the subject of the complaint within ten (10) days.

NOTE: The informal complaint procedure is provided as a less formal option for a student who believes s/he has been discriminated against or harassed. This informal procedure is **not** required before filing a formal complaint. Moreover, a student who seeks resolution through the informal process may request, at any time, that the matter be moved to the formal complaint process.

**Step 2.** If the informal Step 1 process does not resolve the matter, or, if the employee or student chooses not to use the informal procedure, a written complaint may be submitted to the employee's immediate supervisor (to the school's principal if by a student). A complaint may also be filed directly with the applicable School District Section 504 Compliance Officer. The complaint shall include: (1) the employee's or student's name; (2) the facts of the incident or action complained about; (3) the date of the incident or action giving rise to the complaint; (4) the type of discrimination alleged to have occurred; and (5) the specific relief sought. A Step 2 meeting shall be conducted within ten (10) days following the submission of the written complaint. Within the next ten (10) days, the immediate supervisor or principal



shall issue a written disposition, with copies to be given to both the person who alleged the violation and the person who is the subject of the complaint.

**Step 3.** If the supervisor or principal's reply does not resolve the matter, a written complaint may be submitted to the applicable District Section 504 Compliance Officer within ten (10) days of the Step 2 disposition. A meeting shall be conducted at which both parties shall have the right to present witnesses and offer other evidence. Following the meeting, the Section 504 Compliance Officer shall reply in writing to the complainant and the person who is the subject of the complaint within ten (10) days.

**Step 4.** If the complainant wishes to appeal the decision of the Section 504 Compliance Officer, he/she may submit a written appeal to the Superintendent of Schools within ten (10) days after receipt of the Section 504 reply. The Superintendent or his/her designee shall meet with all parties involved and respond to the complaint, in writing, within ten (10) days of the date of the appeal. Copies shall be provided to both the complainant and the person who is the subject of the complaint.

The District hereby provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Grievance/Complaint Procedure.

## **8000.04-AR Communicable Diseases**

Where a student or staff member has been diagnosed with a communicable disease, the School District administration will consult the most recent County Health Division Reference Chart (CHD COMMUNICABLE DISEASE REFERENCE CHART) to determine and implement exclusion and readmittance of individuals. Wayne County Health Division staff will be contacted as needed for consultation and clarification.

**Communicable Diseases, Which Are Known Not To Be Spread By Casual Contact** Communicable diseases that are known not to be spread by casual contact, within the meaning of this regulation include Hepatitis B, HIV infections, ARC (AIDS Related Complex), AIDS and other diseases that are transmittable by blood, other body fluids and other body products, which present potentially serious health problems for those who contract the disease.

The following procedure is intended to assure that both the rights of the individual and the school community at large are protected, and that each case will be determined on an individual basis.

**HIV, ARC, or AIDS** When a District employee reasonably suspects that a student or staff member is infected with HIV, ARC or AIDS, he/she must:

- Notify the Wayne County Health Division, if such action is reasonably though necessary to:
  1. Protect the health of the student or staff member;
  2. Prevent further transmission of the disease; or
  3. Diagnose and care for the student or staff member.

The District employee shall not provide the Wayne County Health Division with the name of the student or staff member unless such information is determined by the employee making the disclosure to be reasonably necessary to accomplish the above-mentioned purposes.

The District employee shall request the permission of the affected student's parent or guardian, or the staff member, to inform the Superintendent and other necessary persons of the suspected illness. If such consent cannot be obtained, the employee shall inform the Superintendent of the matter in such a way that the identity of the affected person is not discernible. The Superintendent may then seek a court

order permitting the Superintendent to obtain the information and disclose it to Board of Education members and other necessary persons.

Upon receipt of the consent of the affected student's parent or guardian, or the staff member, or a court order permitting the review process to proceed, the Superintendent shall select a Communicable Disease Review Committee and direct the Committee to meet within five (5) school days. The Committee may be comprised of the following individuals:

- An official representative of the District, designated by the Superintendent, who will chair the Committee.
- The principal of the school of the affected student or staff member.
- A physician who is treating the affected individual.
- A physician appointed by the Superintendent to represent the District.
- A representative of the Wayne County Health Division.
- A parent/guardian if the affected individual is a student, and the affected individual and/or his/her representative if the affected individual is a staff person.
- A special education teacher, when the affected student is a special education student.
- Other persons designated by the Superintendent, the Committee or the court.

**Duties of the Committee.** The Committee shall make a written recommendation to the Superintendent, based on the affected student or staff member's neurological and physical condition and the expected type of interaction with others in the affected student or staff member's school or employment setting, as to whether the person should be excluded from the school or employment setting and all school sponsored activities, restricted in his/her activities in the school or employment setting, or remain in an unrestricted school or employment setting.

If the Committee recommends that the student or staff member remain in his/her present school or employment setting, but that he/she are restricted from participating in certain activities, or that consideration be given to an alternate setting within the District, the Committee shall further set forth, in writing, the precautionary/sanitary measures, if any, that should be taken to protect the health and welfare of the student or staff member and the school community.

If the Committee recommends that the student or staff member remain in an unrestricted school setting, the Committee must so state in writing, and further state what precautionary/sanitary measures, if any, should be taken to protect the health and welfare of the student or staff member and the school community.

If the Committee recommends that the affected student or staff member be totally excluded from his/her former school or employment setting based upon his/her neurological and physical condition and expected type of interaction with others in that setting, the Committee must so state in writing. The Committee shall also state the conditions under which it would consider the student or employee's return to a restricted or unrestricted school or employment setting.

The Committee shall provide the Superintendent with its written recommendation within ten (10) school days of its meeting, unless the Committee determines that additional time is necessary in order to obtain pertinent medical information regarding the student or staff member's condition and/or that additional diagnostic testing is necessary for a thorough review of the matter.

In the event that the Committee's decision is not unanimous, the dissenting member(s) shall be given the opportunity to attach a written dissenting report to the Committee's recommendation within twenty-four (24) hours of the presentation of the Committee's report to the Superintendent.

Upon the Superintendent's receipt of the Committee's written report, the Superintendent shall, within five (5) school days, make a determination regarding the student or employee's status. The Superintendent's decision will be based upon whether, with reasonable accommodation, the student or staff member can remain in the school or employment setting without posing a health risk to himself/herself or others in the school community. In the event that the Superintendent determines that a student or staff member should be excluded from the school setting, he/she shall so advise the affected person, and, where a student is involved, his/her parent or guardian.

Where the Superintendent determines that a staff member who has been affected with HIV, ARC, or AIDS should be excluded from employment, the Superintendent shall attempt to obtain the affected person's permission or petition the circuit court for an order permitting the District to proceed pursuant to the provisions of the applicable collective bargaining agreement, board policy and/or applicable laws. If the employee in question is certified, the Superintendent shall, pursuant to Article V, Section 2 of the Michigan Teacher's Tenure Act, either obtain the person's consent to be placed on a medical leave, or, if consent cannot be obtained, file tenure charges with the Board of Education seeking to place the person on an involuntary medical leave of absence.

**Appeals.** If the affected student or staff member disagrees with the determination of the Superintendent, he/she may file a written appeal to the Board of Education within ten (10) school days. The Board of Education shall receive and review all necessary and pertinent materials provided by the Committee and the student or employee and provide an opportunity to both the Superintendent and student or employee to provide additional pertinent information. In its discretion, the Board may grant the student or employee a hearing.

The Board of Education may affirm, modify, or revise the decision of the Superintendent within ten (10) school days of the receipt of an appeal. The affected student or staff member shall have the right to remain in the school setting during the tendency of any such appeal, unless an appropriate medical professional confirms that there are clearly documented risks to the infected individual or others in the school setting that could pose an immediate health threat.

Where an affected student or staff member is permitted to remain in either a restricted or unrestricted school setting, the Superintendent shall designate a school representative to monitor changes in the student or staff member's medical status on a monthly basis, or more frequently if deemed appropriate. The Superintendent shall seek written permission from the affected person or parent prior to designating the responsible school representative. If the written authorization cannot be obtained, the Superintendent shall seek an order from the court permitting such. The Superintendent, with input from the Committee, shall reassess the status of the student or staff member at not less often than annual intervals.

All time lines set forth herein may be extended where required by the individual circumstances of the case.

**Communicable Diseases That Are Known Not To Be Spread by Casual Contact, Other Than HIV, ARC, or AIDS** For communicable diseases which are known not to be spread by casual contact, other than HIV, ARC or AIDS, the identical procedures set forth above will be followed, except that there will be no necessity of court involvement to obtain the infected person's consent to disclosure of his/her identity to the Superintendent and other necessary persons.

If the District employee determines that disclosure of such information is reasonably necessary to (1) protect the health of the student or staff member, (2) prevent further transmission of the disease, or (3) diagnose and care for the student or staff member, the District employee may advise his/her supervisor that a student or staff member may have a serious communicable disease known not to be spread by casual contact. The identity of the student or staff member SHALL NOT BE disclosed unless written

authorization is obtained from the affected student's parent(s)/guardian(s) or the staff member, or is otherwise necessary to satisfy the requirements of this section. The supervisor shall immediately inform the Superintendent or his/her designee.

**Confidentiality** All persons involved in these proceeds and in the education of an affected student shall respect the student's right to privacy, including maintaining student records and information in accordance with the requirements of the Michigan Public Health Code, MCLA 333.5101, et seq. and the Family Educational Rights and Privacy Act, 20 USC 1232g. The privacy rights of affected staff members shall be similarly affected including maintaining employment records and information in accordance with the requirements of the Michigan Public Health Code, MCLA 333.5101, et seq., the Bullard Plawewcki Employee Right to Know Act, MCLA 421.501, any applicable contractual provisions, and Board of Education policy and regulations.

## **8000.05-AR Copyrighted Works**

The guidelines, below are intended to assist staff in determining the permitted use of copyrighted materials within Wayne-Westland Community Schools . The guidelines apply to materials used within the classroom, as well as in staff members' instructional and research activities. Before beginning or authorizing a reproduction, a District employee shall determine whether the copying is expressly permitted within the guidelines. If copying is not expressly permitted, or if there are any questions, the matter must be brought to the attention of the building principal before any copying is done. Should there be a question about whether a particular use is permitted, staff members are not to proceed without consulting their building principal.

**Single Copying for Teachers' Use** A single copy may be made of the following by or for a teacher for use in teaching or for research purposes:

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

**Multiple Copies for Classroom Use** Multiple copies (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 from a longer poem, containing not more than 250 words.
- 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.  
*[Each of the limits, above, may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]*
- 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 fall short of 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 thereof, may be reproduced.

All copies must include a notice of copyright.

#### **Additional Permitted Use – Spontaneity**

- The copying is at the instance and inspiration of the 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.

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

## **8000.06-AR      Discrimination and Harassment**

The Board of Education has adopted anti-discrimination and anti-harassment policies that prohibit illegal discrimination and harassment in the School District's programs and activities by, among others, Board members, School District employees, and students. A student, employee, or any other person who believes a student or employee has been the victim of illegal discrimination or harassment may seek resolution of the matter through the procedures that follow. Alleged discrimination and harassment other than sexual harassment will be investigated and resolved pursuant to 8000.06.1-AR or 8000.06.2-AR. Sexual harassment against employees and students will be investigated and resolved pursuant to 8000.06.3-AR, as required by Title IX and its implementing regulations. The School District's duty to investigate allegations of discrimination and harassment is not affected in cases where the same allegations have been reported to or are being investigated by law enforcement authorities.

**Compliance Officer and Title IX Coordinator** Jill Simmons, the Assistant Superintendent of Human Resources & Operations, whose telephone number is 734-419-2032 and whose email address is [simmonsj@wwcsd.net](mailto:simmonsj@wwcsd.net), is the School District's Compliance Officer and Title IX Coordinator for School District staff for purposes of this Administrative Regulation. John Besek, the Director of Student Services, whose telephone number is 734-419-2083 and whose email address is [besekj@wwcsd.net](mailto:besekj@wwcsd.net) is the School District's Compliance Officer and Title IX Coordinator for students for purposes of this Administrative Regulation.

**Days** As used in 8000.06.1-AR through 8000.06.3-AR, the word "days" means school days during the school year when school is in session and business days during the summer break.

## **8000.06.1-AR      Discrimination/Harassment – Students**

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

#### **Definitions for 8000.06.1-AR**

**"Complainant"** means the student who is the alleged victim of discrimination or harassment; other than sexual harassment, which is addressed by 8000.06.3-AR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Formal Complaint Resolution Procedure**

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

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

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

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

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

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

The Compliance Officer and Title IX Coordinator will inform Respondent that a complaint has been received. Respondent will be informed of the nature of the allegations and provided with a copy of the Board's anti-discrimination and anti-harassment policy and this Administrative Regulation. Respondent

will also be provided an opportunity to submit a written response to the complaint within five (5) days. Throughout the course of the process, the Compliance Officer and Title IX Coordinator will keep both parties informed of the status of the investigation and the decision-making process.

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

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

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

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

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

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

U.S. Department of Education  
Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
(216) 522-4970

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

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



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

## **8000.06.2-AR Discrimination/Harassment – Employees**

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

### **Definitions for 8000.06.2-AR**

**"Complainant"** means the employee who is the alleged victim of discrimination or harassment; except sexual harassment, which is addressed by 8000.07.3-AR

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Formal Complaint Resolution Procedure**

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

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

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

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

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

NOTE: Upon receiving a formal complaint, the Investigator will consider whether any action should be taken during the investigation to protect Complainant from further discrimination or harassment,

including, but not limited to, a change of work assignment or schedule for Complainant or Respondent. In making such a determination, the Investigator will consult Complainant to assess his/her reaction to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Investigator may nevertheless, after consulting with the Superintendent, take whatever actions he/she deems appropriate for the protection of Complainant, Respondent, and the integrity of the investigation.

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

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

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;
- Interviews with any other witnesses;
- Relevant documents and other information presented by Complainant, Respondent, or any other witnesses.

**Step 3.** At the conclusion of the investigation, the Compliance Officer and Title IX Coordinator will, within fifteen (15) days of receiving the formal complaint, prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation, the response of School personnel, and, if applicable, the date any incident was reported to the police. The report will provide recommendations based on the evidence. The recommendations should consider the totality of the circumstances. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent recurrence of illegal discrimination or harassment. Disciplinary recommendations may range from: counseling to discharge, in the case of an employee, and censure to a complaint to the Governor, in the case of a Board member.

**Step 4.** Absent extenuating circumstances, within ten (10) days of receiving the report, the Superintendent will either issue a final decision regarding whether the complaint has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both parties.

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

**Filing a Discrimination or Harassment Complaint with State or Federal Agencies** An employee alleging discrimination or harassment, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

United States Department of Education  
Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325

Cleveland, Ohio 44115  
(216) 522-4970  
FAX: (216) 522-2573  
TDD: (216) 522-4944  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)  
Web: <http://www.ed.gov/ocr>

A complaint may also, or instead, be filed with:

United States Department of Labor  
Equal Employment Opportunity Commission  
Detroit Field Office  
477 Michigan Avenue, Room 865  
Detroit, Michigan 48226

or

State of Michigan  
Department of Civil Rights  
Cadillac Place, Suite 3-600  
3054 West Grand Boulevard  
Detroit, Michigan 48202

**Cooperation with Law Enforcement Agencies** In certain instances, an allegation of discrimination or harassment may also be investigated as a criminal matter. To the extent permitted by law, the School District will comply with law enforcement requests for cooperation.

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

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

## **8000.06,3AR Sexual Harassment – Employees and Students**

**Generally** This Administrative Regulation sets forth the procedure the School District follows to investigate and resolve allegations of sexual harassment against School District employees or students. Administrative Regulations 8000.06.1-AR and 8000.06.2-AR apply to illegal discrimination and harassment on other bases.

The School District's Title IX Coordinator is responsible for implementing 8000.06.3-AR. The Title IX Coordinator will ensure his/her contact information is posted on the School District's website, included in the School District's annual notifications document, published in every handbook and catalogue distributed to parents and students, and conveyed to the president of every School District collective bargaining unit.

### **Definitions for 8000.06.3-AR**

**“Complainant”** means an employee or student who is the alleged victim of conduct that could constitute sexual harassment.

**“Respondent”** means the person who has been reported to be the perpetrator of conduct that could constitute sexual harassment against a Complainant.

**“Investigator”** means a person the Title IX Coordinator has appointed to investigate allegations of sexual harassment against a Respondent.

**“Sexual Harassment”** means, with respect to the School District’s programs and services:

- Conditioning an aid, benefit, or service on Complainant’s participation in unwelcome sexual conduct;
- Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies Complainant equal access to the School District’s programs or activities; or,
- “Sexual assault” as defined in [20 USC 1092\(f\)\(6\)\(A\)\(v\)](#), “dating violence” as defined in [34 USC 12291\(a\)\(10\)](#), “domestic violence” as defined in [34 USC 12291\(a\)\(8\)](#), or “stalking” as defined in [34 USC 12291\(a\)\(30\)](#).

**Duty to Respond** The School District has a duty to respond to alleged sexual harassment any time a School District employee reports an employee or student has been sexually harassed and any time any other person makes a report of sexual harassment to the Title IX Coordinator. School District employees are required to report all incidents of suspected sexual harassment to the Title IX Coordinator.

**Supportive Measures.** The Title IX Coordinator, upon receiving a report of sexual harassment, will promptly contact Complainant to offer supportive measures, regardless whether a formal complaint is filed. Supportive measures are non-punitive individualized services, at no cost to Complainant, intended to restore or preserve Complainant’s access to the School District’s programs and activities without unreasonably burdening Respondent. Supportive measures may include, but are not limited to: the Title IX Coordinator’s duty to discuss options with Complainant, including explaining the process for filing a formal complaint; and, no-contact orders, counseling, course modifications, schedule changes, transfers, or increased security and monitoring. The Title IX Coordinator will take into account Complainant’s wishes before implementing supportive measures.

Action to remove Respondent from the School District prior to a final decision is not a supportive measure. However, the Title IX Coordinator may, after an individualized risk assessment of Respondent takes place, temporarily remove Respondent from the School District if s/he poses an immediate threat to the physical health or safety of Complainant or any other person. In such cases, upon removal, the Title IX Coordinator will provide Respondent with notice and an opportunity to challenge the temporary removal at the earliest possible date. The Title IX Coordinator may, after consulting with the School District’s chief human resources officer, place a Respondent-employee on temporary administrative leave. A temporary removal or administrative leave will end when a final decision is reached.

**Formal Complaint** A Complainant may file a formal complaint. The Title IX Coordinator may file a formal complaint even if Complainant declines to do so. The formal complaint will include: the names of Complainant and Respondent, or identifying information if Respondent’s name is unknown; as complete a description of the alleged sexual harassment as is available, including dates, times, and places; actual and potential witnesses; actual and potential relevant documents, data, and other items; and, the signature of the student or the Title IX Coordinator.

#### **Response to Formal Complaint and Grievance Procedure.**

*Generally.* The Title IX Coordinator will ensure that, at every step of the Grievance Procedure: the parties are treated equitably; all information and evidence is evaluated objectively; and, there are no conflicts of

interest affecting the Title IX Coordinator or any informal resolution facilitator, Investigator, Decision-Maker, or any individual resolving an appeal.

*Notice.* Upon receiving or filing a formal complaint, the Title IX Coordinator will issue a notice to Complainant and Respondent. The notice will include: a statement of the allegations, in sufficient detail to permit Respondent to prepare a response; a statement Respondent is presumed not responsible unless a final decision is rendered against Respondent; the parties' right to inspect the formal complaint and all evidence gathered during any investigation; the parties' right to be represented by an advisor or advocate, who may be an attorney; and, any provision in the School District's Student Code of Conduct prohibiting knowingly making a false statement or providing false evidence or information. If, during the investigation, the School District decides to investigate allegations that were not included in the original notice, the Title IX Coordinator will notify Complainant and Respondent of the additional allegations.

*Dismissal.* The Title IX Coordinator must dismiss a formal complaint if the allegations: do not establish sexual harassment even if they are true; did not occur in connection with the School District's programs and services; or, did not occur in the United States. The Title IX Coordinator may dismiss a formal complaint, in whole or in part, if: Complainant withdraws some or all of the allegations; Respondent's employment or enrollment in the School District ends; or, specific circumstances prevent the School District from gathering sufficient relevant evidence to reach a decision disposing of the formal complaint. The School District's Title IX Coordinator will notify Complainant and Respondent, in writing, if a formal complaint is dismissed, including an explanation for the dismissal. The Complainant may appeal the dismissal.

**Informal Resolution** The School District cannot informally resolve an allegation of sexual harassment before a formal complaint is filed. The allegations in a formal complaint may not be resolved informally unless: Claimant and Respondent have been provided notice of their rights by delivery of the applicable anti-harassment policy and 8000.06.3-AR; and, Claimant and Respondent have voluntarily consented to informal resolution, in writing, after having been informed when informal resolution may preclude the resumption of a formal complaint investigation. Informal resolution may consist of a voluntary agreement between Claimant and Respondent, facilitated and documented by the Title IX Coordinator, or his/her designee; restorative practices, such as described at [MCL 380.1310c](#); or, facilitative mediation by an experienced mediator. Informal resolution may also be reached through other conflict resolution strategies, including arbitration. Informal resolution may not be used to resolve an allegation that a School District employee sexually harassed a student.

**Investigation** The Title IX Coordinator, or designee (the Investigator), will investigate a formal complaint. The burden of undertaking and completing the investigation rests on the School District. The Investigator will be appointed within two (2) days from the date the Title IX Coordinator receives or files the formal complaint. The Investigator will presume Respondent is not responsible unless a final decision against Respondent is reached. The Investigator will not require, seek, or rely on privileged information without consent of the privilege-holder.

The Investigator will notify Respondent of his/her right to file a written response to the formal complaint within five (5) days from the date Respondent received the formal complaint. Regardless whether Respondent files a written response, the Investigator will, within ten (10) days, complete an investigation that will include, but not be limited to: interviewing Complainant and Respondent and preparing interview summaries; interviewing all actual and potentially relevant witnesses identified by Complainant and Respondent, including expert witnesses, and preparing interview summaries; obtaining, to the extent they are available, all relevant documents, data, and other items identified by Claimant, Respondent, and witnesses; preparing an investigative report that fairly summarizes the relevant evidence; and, providing the investigative report to the parties simultaneously. The parties and their advisors may attend party interviews and the Investigator will provide sufficient notice to permit them to prepare. The School District will not interfere with the parties' ability to discuss the allegations or gather and present evidence, except to the extent a no-contact or similar order has been issued by the Title IX Coordinator.

The Title IX Coordinator will, upon receiving the Investigator's Report, notify the parties of their right to: submit relevant written questions to parties and witnesses, receive answers, and submit limited follow-up questions; and, after any such answers are received, file a written response to the Investigator's Report within seven (7) days from such receipt. If the Investigator declines to submit a question, s/he will provide a written explanation to the party who posed it.

The Title IX Coordinator may permit an adjournment of the investigative timelines for good cause and, in the event of an adjournment, so notify Complainant and Respondent. Separately, if Respondent is a School District employee, the Title IX Coordinator will review any applicable collective bargaining agreement and grant any required adjournment of the investigative timelines.

**Decision.** The Title IX Coordinator will appoint a Decision-Maker, who is not the Title IX Coordinator or Investigator. The Decision-Maker will objectively review all inculpatory and exculpatory evidence gathered during the investigation including, but not limited to, the formal complaint, Respondent's response, if any, the Investigator's entire file and investigative report, and the parties' responses to the investigative report, if any. Credibility determinations, if any, will not be based on an individual's status as Complainant, Respondent, or witness. The Decision-Maker will not hold Respondent responsible unless a preponderance of the evidence establishes Respondent sexually harassed Complainant. Regardless whether the Decision-Maker concludes Respondent is responsible, the Decision-Maker will issue a decision within ten (10) days of his/her appointment and will provide the decision to Complainant and Respondent simultaneously. The decision will include: Complainant's allegations; procedural steps taken with respect to the allegations, including notifications, interviews, site visits, and any other methods used to gather evidence; findings of fact; the application of the applicable anti-harassment policy, this 8000.06.3-AR, and the School District's Student Code of Conduct to the facts; and, a statement of all rationale for the result as to each allegation, including determinations of responsibility, disciplinary sanctions, whether Complainant will be provided remedies to restore or preserve his/her equal access to the School District's education programs and activities, and the procedure and bases for appeal. Upon a finding of responsibility, sanctions for Respondent-students may range from administrative intervention to permanent expulsion. Sanctions for Respondent-employees may range from counseling to discharge. Sanctions for Respondent-Board members may range from censure to a petition to the Governor for removal from the Board of Education.

**Appeal.** Complainant or Respondent may appeal the Decision-Maker's decision by filing an appeal with the Superintendent within five (5) days from receipt of the decision. The Superintendent will provide notice to the opposite party if an appeal is filed, including a copy of the appeal and an opportunity to respond. The appeal must include all of the reasons the appealing party disagrees with the decision. The Superintendent will review the appeal and, based on the appeal, the decision, and the entire record upon which the decision is based, will affirm the decision, in whole or in part, or reverse the decision, in whole or in part. The Superintendent may reverse the decision, in whole or in part: based on procedural irregularity affecting the outcome, including the failure to comply with 8000.06.3-AR; the Decision-Maker's lack of knowledge of newly discovered evidence; or, bias or conflict of interest on the part of the Title IX Coordinator, Investigator, or Decision-Maker. The Superintendent may, if warranted, remand the decision, in whole or in part, for additional investigation by the original or a different Investigator and/or further consideration by the original or a different Decision-Maker. The Superintendent will issue his/her decision within ten (10) days of receiving the appeal or response, if any, and provide his/her decision to the parties simultaneously. The grievance process is complete and a final decision is reached when no timely appeal is taken or after the appeal process is completed.

**Training** The Title IX Coordinator will ensure that s/he and all informal resolution facilitators, Investigators, and Decision-Makers (including those who resolve appeals) receive the following training: the definition of sexual harassment; the scope of the School District's programs and activities; how to determine whether information and evidence is relevant, including the application of Title IX's "rape-shield" provision; the grievance process, including how to conduct an investigation, how to prepare a fair summary of evidence gathered during an investigation, how to prepare a decision, and how to resolve an appeal; and, how to serve impartially, including avoiding prejudgment of facts, conflicts of interest, and

bias. The Title IX Coordinator is responsible for ensuring the School District's training and training materials are posted on the School District's website.

**Confidentiality and Retaliation** Except as required or permitted by law, the School District will keep confidential the identity of any individual who makes a report or complaint of sexual harassment, any individual who is identified as a potential or actual Complainant or Respondent, and any witness. Neither the School District nor any other person may illegally retaliate against an individual who has made a report or a formal complaint or has participated or refused to participate in an investigation or other proceeding under this Administrative Regulation. Retaliation includes actual and attempted threats, coercion, or discrimination.

**Filing with OCR or EEOC** An employee or student alleging harassment may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

United States Department of Education  
Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
(216) 522-4970  
FAX: (216) 522-2573  
TDD: (216) 522-4944  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)  
Web: <http://www.ed.gov/ocr>

An employee alleging sexual harassment against another employee or supervisor may also, or instead, file a complaint with:

United States Department of Labor  
Equal Employment Opportunity Commission  
Detroit Field Office  
477 Michigan Avenue, Room 865  
Detroit, Michigan 48226

or

State of Michigan  
Department of Civil Rights  
Cadillac Place, Suite 3-600  
3054 West Grand Boulevard  
Detroit, Michigan 48202

**Cooperation with Law Enforcement Agencies** In certain instances, an allegation of sexual harassment may be investigated as a criminal matter. To the extent permitted by law, the School District will comply with law enforcement requests for cooperation.

**Record Retention** The School District will retain, for at least seven (7) years: all training materials; all reports received by the Title IX Coordinator and actions taken in response to such reports, including why any decision not to provide supportive services was not clearly unreasonable; and, all formal complaints, documents, and other items (including data) arising from formal complaints or investigations conducted pursuant to this Administrative Regulation, including investigative reports and related documents, decisions, appeals and appeal decisions, and informal resolutions.



With regard to the District website and any District web presence which is developed by, maintained by, or offered through third party vendors and open sources, the District is committed to compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 so that students, prospective students, employees, guests, and visitors are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use. The District further seeks to ensure that those individuals with disabilities are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online.

All existing, new, or updated web content produced by the District will conform to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents, as soon as practicable.

With respect to third-party content, the District, through its Web Accessibility Coordinator, will confirm the accessibility of such content before posting/linking to the District's web presence, to the extent possible, by testing same through a web accessibility checker or similar resource and/or manual checking. If the accessibility of third-party content cannot be verified prior to posting/linking, the District shall avoid posting/linking of same.

If third-party content is verified and posted, but is later identified as not being accessible **after** posting/linking occurs, the District, through its Web Accessibility Coordinator, will endeavor to determine the basis of the issue by contacting the third-party provider and/or requesting information regarding the accessibility of their products. To the extent possible, the District will determine if an alternate way to provide the third-party content exists. If it is ultimately determined that the third-party content cannot be made accessible – either because it represents an undue burden or would require a fundamental alteration – the District shall keep a record of the inaccessible third party content. A determination of undue burden or fundamental alteration will be made by the Superintendent and/or his/her designee after considering all resources available for use in the funding and operation of the service, program, or activity and will be accompanied by a written statement outlining the reasons for such conclusion.

**Website Audit** The District's Web Accessibility Coordinator will be responsible for reviewing all areas of the District's website and evaluating its accessibility on a semester basis or as close thereto as possible. The contemplated review will be completed, subject to District discretion, utilizing free online resources available to the District, a platform audit resource (if applicable), and/or a third-party vendor resource. The District's Web Accessibility Coordinator will also conduct a manual check of the website as part of the contemplated semester review. The results of all reviews/audits will be documented and evaluated. Identified issues will be remediated within a reasonable period of time under the direction of the Web Accessibility Coordinator.

**District Training** The District will provide annual training for any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with online content. 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. The training will include training on the Web Accessibility Policy, the Administrative Regulation, and staff roles and responsibilities to ensure that web design, documents, and multimedia content are accessible. The District will provide periodic updates to staff, as appropriate, should technology standards change in a readily discernable way. The District will also ensure that new staff are timely provided training consistent with the above expectations.

With regard to staff who have already been fully trained at least once on the Web Accessibility Policy, the annual-training requirement may be satisfied by disseminating notice that includes the Web Accessibility Policy (e.g., via e-mail with a link to the policy), highlights any Policy updates, and provides the name and

contact information of the Web Accessibility Coordinator to serve as a resource for staff with questions about the accessibility of online content.

**Report of Accessibility Concerns/Issues** In contacting the District's Web Accessibility Coordinator to report any issues or concerns associated with the accessibility of online content, reporting individuals are encouraged to provide the following information:

- Name
- Contact information (phone or email)
- Type of information that was inaccessible (PDF, video, etc.)
- Specific web page the user was on (URL or page title)
- Date the user was unable to access the information
- Any other information the user believes might be helpful to the District in resolving the issue

Upon report of a concern regarding the accessibility of online content, the Web Accessibility Coordinator will, consistent with District policy, provide the requested information in an alternate format and, as soon as reasonably practical, make the necessary improvements to make the information accessible online.

**Formal Discrimination Complaint** A student, prospective student, employee, guest, or visitor who wishes to submit a formal complaint regarding a violation of Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 related to the accessibility of any District web presence that is developed by, maintained by, or offered through the District, third party vendors, and/or open sources, may utilize the District's established complaint procedures, links to which are contained here: <http://www.resa.net/specialeducation/section504/>

Irrespective of the submission of a formal complaint, once the District has been notified of inaccessible content, the reporting party should be provided with access to the desired information in a prompt manner. In this regard, the Complainant should not have to wait for the investigation of the complaint to be concluded before receiving the information that he/she was unsuccessful in accessing through the District's web presence.

## **8000.08-AR Cardiac Emergency Response**

**Introduction** This regulation was adopted to comply with 2014 PA 12.

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

**Training** All building administrators, 50% of sports coaches, 50% of physical education teachers and 10% of other staff members will be trained and certified in cardiopulmonary resuscitation techniques (CPR) and the use of AEDs. The District will be responsible for securing and arranging the necessary training from or through a supplier listed on MDE's list of Approved Providers for First Aid and CPR. Each

building principal will be responsible for informing all school staff members of the identities of trained staff members and informing his or her supervisor if the number of trained staff members falls below the requirements of this regulation. The building principal will be responsible for conducting at least one cardiac emergency response drill per year.

### **Cardiac Emergency Response Plan**

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

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

**Required Actions.** An untrained staff member who observes a student or other person who may be experiencing sudden cardiac arrest at school must immediately: call 9-1-1 and notify the operator of the victim's name, sex, age or approximate age, condition and location; notify the office; notify a trained staff member; and retrieve the nearest AED.

A trained staff member who observes a student or other person who may be experiencing sudden cardiac arrest at school must immediately: call 9-1-1 (and report to the operator as described above); notify the office; and, attend to the victim according to his or her training.

Building administrators, upon observing or being notified that a student or other person may be experiencing sudden cardiac arrest at school, must immediately: call 9-1-1 (and report to the operator as described above); secure the emergency card (in the case of a student); report to the scene of the emergency with an AED and any medication prescribed for the student; and, attend to the victim according to their training. The building principal must notify the family of any student who may have experienced a sudden cardiac emergency at school.

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

**Report** The building principal must report all incidents of suspected sudden cardiac arrest, in writing, to the Superintendent or his or her designee.

**MI HEART Safe School Award Program** Building principals must apply for, obtain and maintain designation as a MI HEARTSafe School.

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