

The highlighted Policy titles are optional policies. If the District elects not to adopt one or more of these Policies, please mark the Policy as “Intentionally Left Blank” after the Policy number.

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Series 1000: Policy Overview, Mission Statement, and Definitions

1100 Policy Overview

1101 General Policy Statement

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

A. Policies serve to:

1. formally articulate the Board's goals, standards, and objectives;
2. provide the Board, administrators, and other personnel with guidance in making decisions that affect District operations, functions, and duties; and
3. inform the public of the manner in which the Board, administrators, and other personnel conduct District operations, functions, and duties.

Policies are intended to be flexible where possible.

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

1. Collective Bargaining Agreements and Past Practice

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

2. Other Contracts and Legal Obligations

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

C. Validity of Policies

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

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

Date adopted: November 8, 2021

Date revised:

Series 1000: Policy Overview, Mission Statement, and Definitions

1200 Mission Statement

1201 Mission Statement

Our mission at Forest Area Community Schools is to assist and encourage students to develop positive attitudes toward themselves and society. We accept the responsibility to provide a positive, safe learning environment that maximizes individual potential. Our goal is to help our students become responsible, productive citizens in society.

Legal authority: MCL 380.11a, 380.601a

Date adopted: November 8, 2021

Date revised:

Series 1000: Policy Overview, Mission Statement, and Definitions

1300 Creation, Amendment, and Posting of Policies

1301 Creation, Amendment, and Posting of Policies

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

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

Each Policy will include the date it was adopted or revised by the Board.

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

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

Legal authority: MCL 380.11a, 380.601a

Date adopted: November 8, 2021

Date revised:

Series 1000: Policy Overview, Mission Statement, and Definitions

1400 Definitions

1401 Definitions

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

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

1. "Board" means the District's Board of Education.
2. "District" means Forest Area Community Schools, Kalkaska and Grand Traverse Counties, Michigan.
3. "MDE" means the Michigan Department of Education.
4. "Superintendent" means the Superintendent of Schools. Where permitted by law, Superintendent also means the Superintendent's designee.
5. "State" means the State of Michigan.

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

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

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2100 Official Description, Purpose, and Board Organization

2101 Roles of the Board and Board Members

A. Role of the Board

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

1. Adopt Bylaws and Policies

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

2. Employ and Evaluate a Superintendent

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

3. Employ or Contract with Other Administrators and Supervisors

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

4. Employ Teachers

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

5. Employ or Contract with Non-Teaching Professionals

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

6. Employ or Contract with Non-Exempt Staff

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

7. Adopt and Oversee a Budget

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

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

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

9. Evaluate Programs

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

10. Act as Decision-Maker

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

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

B. Role of Board Members

1. Individual Board members do not speak on the Board's behalf without Board approval. Unless authorized, public communications by individual Board

members about District matters must clearly indicate that the Board member is not speaking on the Board's behalf.

2. Board members may access information and public records as necessary to perform their duties or as otherwise permitted by law.
3. Board members may access sensitive information, including personnel files and student records, if permitted by law and necessary to perform their duties.
4. Board members will not disclose privileged or confidential information unless permitted by Board action or applicable law.

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

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2100 Official Description, Purpose, and Board Organization

2102 School District's Legal Name and Status

The District's legal name is Forest Area Community Schools, Kalkaska and Grand Traverse Counties, Michigan, which will operate as a general powers school district under Michigan law.

Legal authority: MCL 380.11a

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2100 Official Description, Purpose, and Board Organization

2103 *School District Boundaries*

The District is comprised of the geographic area in the description on file in the Board office of the Northwest Education Services.

The Board's physical address is:

1101 Red Drive
Traverse City, MI 49684

The Board's mailing address is:

Board of Education
Northwest Education Services
1101 Red Drive
Traverse City, MI 49684

Legal authority: MCL 380.11a

Date adopted: November 8, 2021

Date revised

Series 2000: Bylaws

2100 Official Description, Purpose, and Board Organization

2104 *Student Representative on the Board*

To provide the Board with a greater insight into student activities, programs, and needs, and to encourage student involvement in District governance activities, the Board may allow 1 non-voting student representative on the Board. The student representative's role is advisory.

A. Selection and Term of Student Representative

1. High school students may select the student representative in a manner developed by the building principal(s) and student council.
2. The student representative may be selected in the spring and may serve a 1-year term for the next school year, beginning on July 1 and ending on June 30.

B. Guidelines

1. The student representative may sit with the Board during open session at all regular and special meetings, but will not attend a closed session from which the public is excluded, unless specifically authorized by the Board.
2. The student representative may participate in Board discussions but will not introduce, support, or vote on motions.

Legal authority: MCL 380.11a, 380.601a

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2200 Board Powers

2201 Board Powers/General Powers

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

A. Expressly Conferred Powers

1. The Board will establish and maintain the grades, schools, programs, and departments it deems necessary, which may include grades Pre-K through 12, and may provide lifelong education, adult education, community education, training, enrichment, and recreation programs.
 - a. The Board may educate persons by:
 - i. directly operating 1 or more public schools as defined in Revised School Code Section 5(6); and/or
 - ii. causing public education services to be provided for students through an agreement, contract, or other cooperative agreement with another public entity.
 - b. The Board will:
 - i. ensure that each public school within the District is accredited or certified by the State Superintendent as having met or exceeded established standards;
 - ii. ensure that the requirements of Revised School Code Sections 1204a (annual reports), 1277a (disaggregation of data by gender for school improvement planning purposes), 1278 (core academic curriculum), and 1280 (accreditation) are met for any consortium program in which the District participates;
 - iii. ensure each student in grades 8-12 is provided with information on college-level equivalent courses;
 - iv. determine the length of the school year;
 - v. select, approve, and purchase textbooks as defined under Revised School Code Section 1421;
 - vi. administer state-required standardized tests;

- vii. adopt a parent/guardian involvement plan; and
 - viii. adopt, implement, and annually make available to MDE a copy of a 3 to 5-year school improvement plan and continuing school improvement process for each school in the District in compliance with Revised School Code Section 1277.
2. The Board will provide for the safety and welfare of students while at school or a school-sponsored activity or event, and while traveling to or from school or a school-sponsored activity or event, as required by law.
 3. The Board may acquire, construct, maintain, repair, renovate, dispose of, or convey school property, facilities, equipment, technology, or furnishings as it deems appropriate, within applicable legal parameters.
 4. The Board may hire, contract with, schedule, supervise, or terminate employees, independent contractors, and other persons or entities to carry out District powers. The Board may defend and indemnify its employees to the extent authorized by law.
 5. The Board may receive, account for, invest, or expend public school money; borrow money and pledge public school funds for repayment; and qualify for state school aid and other public or private money from local, regional, state, or federal sources.
 6. The Board delegates to the Superintendent the authority to take action in circumstances not authorized by Board action or Policy when required to effectively maintain the District's day-to-day operations. The Superintendent should (a) promptly inform the Board of the action taken and the need for taking expedited action; and (b) report the action to the Board at the Board's first meeting after the Superintendent takes such action.

B. Limitations on Powers

1. The Board will not use money received from any source to unlawfully aid or maintain any private, denominational, or other nonpublic, pre-elementary, elementary, or secondary school. The Board may provide transportation, auxiliary services, and nonessential elective classes for students attending nonpublic schools to the extent permitted by law.
2. The Board will use public funds, including state school aid allocations, tax revenue, and bond proceeds only for designated purposes.
3. The Board will not permit a fraternity, sorority, or other secret society to operate in the District. See Policy 5511.
4. The Board will not award a high school diploma to a student unless the student meets the requirements of Revised School Code Sections 1278a and 1278b.

C. Authority

1. Consistent with Policy 2101, the general powers reside within the Board as a whole, not individual Board members. The Board speaks only through its minutes and resolutions.
2. Consistent with Policy 2503, Board action is not valid unless approved by a majority vote in a lawfully convened meeting.

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

Date adopted: November 8, 2021

Date revised: March 14, 2022

Series 2000: Bylaws

2200 Board Powers

2201 Board Powers/General Powers

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

A. Expressly Conferred Powers

1. The Board will establish and maintain the grades, schools, programs, and departments it deems necessary, which may include grades Pre-K through 12, and may provide lifelong education, adult education, community education, training, enrichment, and recreation programs.
 - a. The Board may educate persons by:
 - i. directly operating 1 or more public schools as defined in Revised School Code Section 5(6); and/or
 - ii. causing public education services to be provided for students through an agreement, contract, or other cooperative agreement with another public entity.
 - b. The Board will:
 - i. ensure that each public school within the District is accredited or certified by the State Superintendent as having met or exceeded established standards;
 - ii. ensure that the requirements of Revised School Code Sections 1204a (annual reports), 1277a (disaggregation of data by gender for school improvement planning purposes), 1278 (core academic curriculum), and 1280 (accreditation) are met for any consortium program in which the District participates;
 - iii. ensure each student in grades 8-12 is provided with information on college-level equivalent courses;
 - iv. determine the length of the school year;
 - v. select, approve, and purchase textbooks as defined under Revised School Code Section 1421;
 - vi. administer state-required standardized tests;

- vii. adopt a parent/guardian involvement plan; and
 - viii. adopt, implement, and annually make available to MDE a copy of a 3 to 5-year school improvement plan and continuing school improvement process for each school in the District in compliance with Revised School Code Section 1277.
2. The Board will provide for the safety and welfare of students while at school or a school-sponsored activity or event, and while traveling to or from school or a school-sponsored activity or event, as required by law.
 3. The Board may acquire, construct, maintain, repair, renovate, dispose of, or convey school property, facilities, equipment, technology, or furnishings as it deems appropriate, within applicable legal parameters.
 4. The Board may hire, contract with, schedule, supervise, or terminate employees, independent contractors, and other persons or entities to carry out District powers. The Board may defend and indemnify its employees to the extent authorized by law.
 5. The Board may receive, account for, invest, or expend public school money; borrow money and pledge public school funds for repayment; and qualify for state school aid and other public or private money from local, regional, state, or federal sources.
 6. The Board delegates to the Superintendent the authority to take action in circumstances not authorized by Board action or Policy when required to effectively maintain the District's day-to-day operations. The Superintendent should (a) promptly inform the Board of the action taken and the need for taking expedited action; and (b) report the action to the Board at the Board's first meeting after the Superintendent takes such action.

B. Limitations on Powers

1. The Board will not use money received from any source to unlawfully aid or maintain any private, denominational, or other nonpublic, pre-elementary, elementary, or secondary school. The Board may provide transportation, auxiliary services, and nonessential elective classes for students attending nonpublic schools to the extent permitted by law.
2. The Board will use public funds, including state school aid allocations, tax revenue, and bond proceeds only for designated purposes.
3. The Board will not permit a fraternity, sorority, or other secret society to operate in the District. See Policy 5511.
4. The Board will not award a high school diploma to a student unless the student meets the requirements of Revised School Code Sections 1278a and 1278b.

C. Authority

1. Consistent with Policy 2101, the general powers reside within the Board as a whole, not individual Board members. The Board speaks only through its minutes and resolutions.
2. Consistent with Policy 2503, Board action is not valid unless approved by a majority vote in a lawfully convened meeting.

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

Date adopted:

Date revised:

Series 2000: Bylaws

2200 Board Powers

2202 Authority to Enter into Contracts

- A. The Board may enter into agreements, contracts, or other cooperative arrangements with other entities, public or private, including, but not limited to, another school district or intermediate school district, to the extent permitted by law.
- B. The Board also may enter into an agreement with a public school academy to provide services to the public school academy or the academy's students or for the public school academy to provide services to the District or to the District's students.
- C. No agreement, contract, or other cooperative arrangement is binding on the District unless approved by the Board or designee and executed by 1 or more persons delegated authority to act as an authorized signatory to an agreement, contract, or other cooperative arrangement on the Board's behalf. Absent the Board's express delegation of authority to another entity or person, only the Board has the authority to contractually bind the District.
- D. The Board and its authorized designees are without authority to grant unconditional indemnity to a third party before a liability-triggering event has occurred.
- E. Before presenting a contract to the Board for approval, the Superintendent or designee will:
 - 1. verify the Board's contracting authority;
 - 2. review budget parameters and implications and recommend any correspondingly required budget amendments;
 - 3. review relevant existing contractual obligations;
 - 4. consider and report to the Board any actual or perceived conflict of interest; and
 - 5. ensure that the contract complies with all relevant laws and Policies.
- F. All independent contractors, employees of independent contractors, and other persons who provide services to the District who are not District employees must comply with all applicable legal requirements and Policies including those related to interactions with students, non-discrimination, ethics and standards, student safety and welfare, student privacy, and District operations.

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

Date adopted: November 8, 2021

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Series 2000 Bylaws

2200 Board Powers

2202-F Authority to Enter into Contracts Checklist

Contract Authority/Due Diligence Checklist

Confirm the following regarding a proposed contract, agreement, or other cooperative arrangement:

- The subject matter is within the Board's contracting authority as provided by Michigan law.
- The financial obligations are within Board budget parameters.
- Unless permitted by law, does not grant unconditional indemnity to a non-employee third party or hold a third party harmless from liability. Any provision that would indemnify a third party must be prefaced with the phrase "to the extent permitted by law."
- If an independent contractor is a party, a representation or provision is included that requires the independent contractor and its employees, if applicable, to comply with all applicable legal requirements and policies.
- Does not conflict with existing contractual obligations, policies, and laws.
- Has been expressly approved by the Board or by an entity or person expressly delegated authority by the Board to approve the contract.
- Will be signed by 1 or more District officials authorized by the Board to act as signatory on the Board's behalf.
- Contains a non-discrimination clause as required by Michigan's Elliot-Larsen Civil Rights Act.

Series 2000: Bylaws

2200 Board Powers

2203 *Authority to Establish Curriculum*

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

- A. The Superintendent or designee, after consulting with teachers and school administrators and after considering the State curriculum content standards, will recommend for Board approval a core academic curriculum for the District’s elementary, middle, and secondary schools.
 1. The recommended core academic curriculum will:
 - a. Define academic objectives to be achieved by all students.
 - b. Be based on the District’s educational mission, long-range student goals, and student performance objectives.
 - c. Meet or exceed State curriculum content standards.
 - d. Include credit requirements that meet or exceed the Michigan merit standards for high school students.
 - e. Incorporate grade-appropriate instruction on career development in each grade level based on MDE’s model program of instruction for career development.
 - f. Incorporate courses of instruction in the U.S. Constitution; the Michigan Constitution; the history and present form of government of the United States; and the State of Michigan and its political subdivisions, stressing the rights and responsibilities of citizens.
 - g. Incorporate grade-appropriate instruction in the social studies curriculum for grades 8-12 about genocide, including the Holocaust and the Armenian Genocide.
 - h. Incorporate grade-appropriate instruction (Policy 5420), by appropriately trained teachers, on the principal modes by which dangerous communicable diseases, including human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS) are spread and the best methods for the restriction and prevention of those diseases. The instruction will stress that abstinence from sex is a responsible and effective method for restriction and prevention of those diseases and is a positive lifestyle for unmarried young people.

- i. Incorporate instruction in cardiopulmonary resuscitation (CPR) and automated external defibrillators (AEDs) for students enrolled in grades 7-12, and, if the course or class will result in the issuance of a CPR certification card or status, ensure that CPR/AED instruction is provided by an instructor who is authorized by the American Heart Association, American Red Cross, or a similar nationally recognized association.
 - j. Incorporate a grade- and age-appropriate model program of instruction on prescription opioid drug abuse based on the recommendations developed by the Prescription Drug and Opioid Abuse Commission under Public Health Code Section 7113a.
 - k. Consider providing college level equivalent courses.
 - l. Reserved
 - m. Reserved
2. The recommended core academic curriculum will comply with subsection D of this Policy.
 3. Reserved
- B. The Board will:
1. Consider the Superintendent's or designee's curricular recommendations, including any recommendations to exceed the State curriculum content standards;
 2. Establish a core academic curriculum that meets or exceeds State curriculum content standards;
 3. For the sex education curriculum: (a) empanel a sex education advisory board in compliance with Revised School Code Section 1507; (b) incorporate into the District's curriculum the program goals and objectives established by the sex education advisory board for student knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases; and (c) at least once every 2 years, receive from the sex education advisory board, and make available to parents/guardians a report that evaluates and measures the attainment of program goals and objectives established by the sex education advisory board.
 4. Hold at least 2 public hearings as required under the Revised School Code Section 1169 and Section 1507 before adopting or revising the District's dangerous communicable diseases and sex education curriculum; and
 5. Determine the aligned instruction program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught.

- C. The Superintendent or designee will ensure that the core academic curriculum is reviewed periodically and as required by Policy 5420.
- D. The following will apply to the District's curriculum and the courses and programs in which the District's curriculum is taught:

1. American Sign Language

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

2. Foreign Language

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

3. Reserved

4. Online Learning

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

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

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2300 Board Member Conduct

2301 Conflict of Interest

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

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

B. Statutory Conflict of Interest

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

C. Contracts of Public Servants with Public Entities

1. Affected Contracts Defined

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

- a. a Board member;
- b. any firm, meaning a co-partnership or other unincorporated association, of which a Board member is a partner, member, or employee;
- c. any private corporation in which a Board member is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000 if the stock is listed on a stock exchange, or of which a Board member is a director, officer, or employee; or
- d. any trust of which a Board member is a beneficiary or trustee.

2. Board members will comply with the disclosure and voting requirements of the Contracts of Public Servants with Public Entities Act for affected contracts.
3. A Board member will not do either of the following concerning an affected contract in which that Board member has a direct or indirect financial interest:
 - a. take any part in the negotiation, renegotiation, amendment, or approval of the affected contract; or
 - b. represent either party in the transaction.
4. Disclosure Requirements

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

- a. Nominal Benefit or Emergency

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

- i. the disclosure may be made less than 7 calendar days before the meeting at which a vote will be taken on the affected contract; and
- ii. the sworn affidavit or grounds to determine the need for an emergency repair or service will be recorded in the Board minutes.

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

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

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

at a subsequent Board meeting held at least 7 calendar days after the meeting at which the disclosure is made.

c. Benefit Exceeds \$5,000

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

5. Abstention Requirements

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

D. Incompatible Public Office

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

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

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Date revised:

Series 2000 Bylaws

2300 Board Member Conduct

2301-F Conflict of Interest Disclosure Form

Board Member Name

Office Term

I have reviewed Policy 2301 and disclose the following conflict(s) of interest to the Board:

If the conflict of interest relates to a contract from which I would receive a direct financial benefit (check all that apply):

- The contract is for emergency services or repairs.
- I would benefit in an amount less than \$250 and less than 5% of the contract's public cost.
- I would benefit in an amount between \$250 and \$5,000, or an amount that is 5% or more of the contract's public cost.
- I would benefit in an amount exceeding \$5,000.

I swear and affirm that the above information is true to the best of my knowledge and belief.

Board Member Signature

Date

Subscribed and sworn before me in _____ County,

Michigan, on the _____ day of _____, 20____

(signature)

(printed)

Notary public, State of Michigan, County of _____

My Commission expires on _____

Acting in the County of _____

Series 2000: Bylaws

2300 Board Member Conduct

2302 Board Code of Ethics

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

A. Each Board member will:

1. remember that a Board member's primary concern must be the educational welfare of students attending the District's schools;
2. regularly attend Board meetings and be informed about issues to be considered at those meetings;
3. make decisions only after consideration at legally held Board meetings;
4. focus on governance, not management, taking care to distinguish the Board's responsibility to focus on the District's mission, values, vision, policy development, strategic planning, and budgeting from the administration's responsibility for implementation of Policies and goals, routine operational decisions, and administration of daily operations;
5. employ or contract with and retain those persons best qualified to serve as District employees and insist on a regular and impartial evaluation of all employees in compliance with applicable law;
6. render all decisions based on an objective evaluation of available information, exercising independent judgment;
7. encourage constructive dialogue among Board members and among the Board and students, staff, parents/guardians, and the school community;
8. learn about current educational issues by individual study and through participation in seminars and programs, such as those sponsored by the Michigan Association of School Boards and the National School Boards Association;
9. work constructively and collaboratively with other Board members to establish effective Policies and procedures;
10. work constructively and collaboratively with the Superintendent, staff members, students, parents, and community stakeholders;
11. recognize the Superintendent as the District's chief executive officer;

12. refer complaints to the Superintendent (other than those involving the Superintendent), designee, or designated administrator(s), as appropriate (see Policies 4101, 4102, 4013, and 4104);
13. safeguard confidential information, including social security numbers, criminal history record information, information pertaining to unprofessional conduct checks, and personally identifiable student information under the Family Educational Rights and Privacy Act (FERPA) and Revised School Code Section 1136;
14. avoid an actual or perceived conflict of interest;
15. comply with the Open Meetings Act;
16. be mindful of a Board member's fiduciary obligations to the District, including duties of loyalty and care, placing the District's interests above a Board member's personal interests; and
17. use District employee resources, property, and funds judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.

B. A Board member will *not*:

1. represent the Board member's personal opinions as those of the Board;
2. act in isolation, operating as if a "Board-of-one";
3. disrupt or impede the established District administrative structure;
4. use the Board position for actual or perceived personal or political gain;
5. discuss confidential Board business except as authorized by law;
6. disclose closed session deliberations or proceedings other than as permitted by law; or
7. refer a student for an abortion or assist a student in obtaining an abortion. This prohibition does not apply to a Board member who is the parent or legal guardian of that student.

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

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

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2300 Board Member Conduct

2303 *Violation of Board Code of Ethics*

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

- A. If it is suspected or alleged that a Board member has violated the Code of Ethics, the following may occur:
 - 1. The President (or Vice President, if the President is the focus of the inquiry) may confer with that Board member to determine whether the suspected or alleged violation is disputed.
 - a. If the suspected or alleged violation is not disputed, propose how the member may remedy the violation; or
 - b. If the suspected or alleged violation is disputed, the President may initiate an investigation.
 - 2. The Board may discuss the alleged violation as an agenda item at a Board meeting. At the affected Board member's request, the Board may convene in a closed session under the Open Meetings Act to consider complaint(s) or charge(s) brought against the Board member.
- B. If the violation is admitted or the Board determines that a disputed violation has been established by at least a preponderance of the evidence, the Board may consider:
 - 1. whether to publicly censure the Board member through a formal Board resolution reprimanding the Board member;
 - 2. whether to remove the Board member from committee assignments;
 - 3. whether to remove the Board member from any Board office or position (e.g., Vice President, Secretary);
 - 4. whether the violation rises to the level of gross neglect of duty or corrupt conduct in office, or other misfeasance or malfeasance, warranting referral to the Governor pursuant to Michigan Constitution, Article V, §10 for possible suspension or removal from public office;
 - 5. whether the violation may constitute a criminal violation of the Revised School Code or the Michigan Penal Code, warranting referral to local law enforcement; and
 - 6. any other act authorized by law.

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

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Series 2000: Bylaws

2300 Board Member Conduct

2304 Gifting

A. Gifts to Individual Board Members

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

B. Board Acceptance of Gifts

1. The Board shall not accept a gift, donation, or contribution on the District's behalf in a manner or for a purpose that does not comply with Policy 3303.
2. The Board must publicly disclose a gift, donation, or contribution from any vendor or contractor that has submitted a bid in response to a request for proposals the District currently has under consideration.

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

Date adopted: November 8, 2021

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Series 2000 Bylaws

2300 Board Member Conduct

2304-F Gift Disclosure Form

Board Member Name: _____

I confirm receipt of the below-described gift, donation, or contribution from
_____, a vendor or
Contractor that has submitted a bid to the District in response to a request for proposals
the District currently has under consideration.

Description of gift, donation, or contribution: _____

Fair market value of gift, donation, or contribution if ascertainable: \$ _____

Board Member Signature Date

For Internal Use	
Date of receipt of this form:	_____
Receiving party's name and title/position:	_____
Date on which gift was publicly disclosed:	_____

Series 2000: Bylaws

2300 Board Member Conduct

2305 Board Member Reimbursement and Travel Expenses

A. Reimbursement

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

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

B. Established Categories of Reimbursable Expenses

1. Conferences, Membership Fees, and Training Programs

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

2. Travel Expenses

a. Travel by privately owned vehicle may be reimbursed, within Board-approved budget parameters, at the standard mileage rate set by the Internal Revenue Service, if approved by a majority vote of the Board. When practicable, Board members will carpool to avoid duplicative mileage reimbursement.

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

3. Meals

a. The Board may reimburse a Board member only for Expenses actually and reasonably incurred for the Board member's meals, if approved by a majority vote of the Board. The Board will not reimburse a Board member for meals for a non-Board member.

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

c. Reserved

4. Lodging

a. The Board may reimburse a Board member for Expenses actually and necessarily incurred for the Board member's lodging in the discharge of official duties or in the performance of functions authorized by the Board, if approved by a majority vote of the Board.

b. Reserved

C. Use of District Credit/Debit Cards

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

D. Public Records

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

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

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Series 2000 Bylaws

2300 Board Member Conduct

2305-F Board Member Reimbursement and Travel Expenses Form

General Information

Board Member Name: _____

Event Type: Workshop Conference Training program Meeting

Other (describe): _____

Event name: _____

Location: _____

Date(s) of attendance: _____

Expenditures (Note: attach copies of related receipts/invoices)

Event fees: \$ _____

Auto mileage: _____ miles at \$ _____ (IRS Rate) = \$ _____

Meals Total Cost (itemize below): \$ _____

Date	Breakfast	Lunch	Dinner
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

Lodging: \$ _____

Other: \$ _____

Did you receive money from any other sources to pay for the above expenditures?
If yes, enter source and amount below.

Source: _____ \$ _____

2305-F Board Member Reimbursement and Travel Expenses Form

Total amount submitted for reimbursement: \$ _____

By signing this form, I understand and agree that:

The information provided is complete and accurate to the best of my knowledge and belief. I acknowledge I have read and understand Policy 2305 Board Member Reimbursement and Travel Expenses and understand that the Board may deny my reimbursement request. I have attached all billing statements, receipts, invoices, and travel requests and expense forms related to this reimbursement request.

Board Member Signature

Date

For Internal Use
<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved
If approved, date of Board meeting _____

Series 2000: Bylaws

2300 Board Member Conduct

2306 Board Member Compensation

Intentionally Left Blank

Legal Authority: MCL 380.11a

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2400 Board Membership and Duties

2401 Board Member Elections

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

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

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

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

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

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2400 Board Membership and Duties

2402 *Acceptance of Office and Oath of Office*

A. Elected Board Members

1. Before entering the office of Board member, a Board member-elect must:
 - a. take the oath of office as provided by the Michigan Constitution; and
 - b. file an acceptance of office with the Secretary within 10 business days after receiving the Certificate of Election from the District's election coordinator.
2. If a Board member-elect neglects or fails to file an acceptance of office with the Secretary within 10 business days after receiving the Certificate of Election from the District's election coordinator, then the Board office will immediately become vacant.

B. Appointed Board Members

1. Before entering the office of Board member, an appointee must:
 - a. take the oath of office as provided by the Michigan Constitution; and
 - b. file an acceptance of office with the Secretary within 10 business days after the date of appointment.
2. If an appointee neglects or fails to file an acceptance of office with the Secretary within 10 business days after the date of appointment, then the Board office will immediately become vacant.

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

Legal authority: MCL 168.309, 168.310

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2400 Board Membership and Duties

2403 Board Member Terms of Office

The Board of Education consists of 7 elected or appointed offices.

Board members are elected for terms of 4 years.

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

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

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

Legal authority: MCL 168.302, 168.311; MCL 380.11a

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Series 2000: Bylaws

2400 Board Membership and Duties

2404 Board Member Vacancies and Appointments

- A. A Board office becomes vacant immediately upon any of the following events:
1. a Board member's death;
 2. a Board member being adjudicated insane or being found to be a legally incapacitated individual by a court of competent jurisdiction;
 3. a Board member's resignation;
 4. a Board member's removal from office;
 5. a Board member's conviction for a felony;
 6. a Board member's election or appointment being declared void by a competent tribunal;
 7. a Board member's neglect or failure to timely file the acceptance of office, to take the oath of office, or to give or renew an official bond as required by law;
 8. a Board member ceasing to possess the legal qualifications for holding office;
 9. a Board member moving residence from the District; or
 10. a Board member being recalled.
- B. Appointments
1. In the event of a vacancy (except a vacancy resulting from a Board member recall), the remaining Board members must fill the vacant Board office by appointment within 30 calendar days after the vacancy occurs, unless a majority of the Board offices are then vacant. If a majority of the Board offices are vacant at the time of a vacancy, or if the remaining Board members fail to fill a vacant Board office by appointment within 30 calendar days after the vacancy occurs, then the ISD board will be authorized to fill the vacant Board office by appointment.
 2. The Board may, in its discretion, undertake 1 or more of the following procedures when seeking to fill a vacant Board office:
 - a. publicize the vacancy, and the Board's intention to appoint a person to fill the vacant Board office through word-of-mouth, news media, notices posted at school buildings and other locations, postings on the District's website and social media, and other means of communicating with the public;

- b. accept résumés, applications, letters of interest, or other submissions from persons seeking to be appointed to fill the vacant Board office; and
 - c. interview applicants for the vacant Board office.
 - i. All interviews must be conducted during open session of a public Board meeting.
 - ii. The Board may meet in closed session for the limited purpose of reviewing and considering an application for appointment, if any, if the applicant requests that the application remain confidential.
3. Within 3 calendar days after the Board makes an appointment to fill a vacant Board office, the Secretary must provide written notice to the District's election coordinator of the name, address, and Board office of both the Board member who vacated office and the person appointed to fill the vacant Board office.
4. Appointed Board Member's Term of Office
- a. An appointed Board member's term of office begins immediately after appointment, once the appointee has filed an acceptance of office with the Secretary and taken the oath of office.
 - b. An appointed Board member's term of office expires:
 - i. immediately after the District's regular election at which a successor in office is elected and the successor has qualified for office, if the appointed Board member was appointed to a Board office that was vacated more than 7 calendar days before the nominating petition filing deadline for a District regular election that was not the District's regular election at which a successor in office would have been elected had the Board office not been vacated; or
 - ii. in all other cases, December 31 immediately after the District's next regular election.

Legal authority: MCL 15.268; MCL 168.310, 168.311

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2400 Board Membership and Duties

2405 Board Officers

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

A. Election of Board Officers

1. The Board must elect a President and Vice President. The Board may also elect a Treasurer and Secretary.
2. Board officer elections will take place at the Board's annual organizational meeting.
3. A candidate for a Board officer position must receive a majority vote of the Board members then serving on the Board.
 - a. If no person receives a majority vote in an initial vote, the candidates for a second vote will consist of:
 - i. the 2 persons who received the most votes; or
 - ii. if more than 2 persons are tied for the most votes received, all persons tied for most votes received; or
 - iii. if 1 person received the most votes and there is a tie for second place, the person who received the most votes and the persons tied for the second place.
 - b. The process for narrowing candidates will be repeated in subsequent voting rounds.
4. Elected Board officers will serve in that capacity until the next annual organizational meeting, unless a Board member resigns from the officer position or a Board majority votes to remove that Board member from the officer position.

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

C. Removal of Board Officers

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

D. Board Officer Vacancies

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

E. Assistants to the Secretary and Treasurer

1. The Board may appoint an assistant to the Secretary and an assistant to the Treasurer who are not required to be Board members.
2. The Board may remove an assistant to the Secretary or an assistant to the Treasurer by majority vote. After a removal, the Board may appoint a person to fill the vacant position.

Legal authority: MCL 380.11a

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 2000: Bylaws

2400 Board Membership and Duties

2406 Board Officers' Duties

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

A. President

1. Preside over all Board meetings and act as a decision-maker on procedural issues.
2. Coordinate with the Superintendent or designee to prepare Board meeting agendas.
3. Serve as the Board's spokesperson, unless another person is designated by the Board.
4. Sign contracts, correspondence, and other documents on behalf of the District as authorized by the Board or required by law.
5. If both the President and Vice President are absent from a Board meeting, the Board may appoint a Board member to serve as acting President.
6. Accept complaints and coordinate investigations into allegations of misconduct against other Board members or the Superintendent, including placing the Superintendent on non-disciplinary, paid administrative leave during the pendency of an investigation.
7. Contact legal counsel on the Board's behalf or authorize individual Board members to contact legal counsel.
8. Perform other duties as prescribed by law, Policy, or Board action.

B. Vice President

1. In the President's absence or where the President is precluded from performing the President's duties, preside over Board meetings and perform the President's other duties.
2. Perform other duties as prescribed by law, Policy, or Board action.

C. Secretary

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

2. Sign Board meeting minutes, orders, resolutions, and records memorializing Board proceedings.
3. Draw and sign orders upon the Treasurer for money to be disbursed by the Board.
4. Perform other duties as prescribed by law, Policy, or Board action.

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

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

D. Treasurer

1. Serve as the custodian and maintain accounting for District monies, credits, and property.
2. Sign checks and other Board-authorized documents.
3. Perform other duties as prescribed by law, Policy, or Board action.

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

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

E. Succession

1. Board office holders will promptly transfer authority to their respective successor in office, including access to District accounts, investments, files, and public records.
2. Board office holders will deliver District property, including logs, ledgers, money, reports, files, books, equipment, and public records, to the Board officer's respective successor in office.
3. The transfer of District property will promptly occur at a location and time agreed upon by the Board officer and the Board officer's successor in office or at a location and time otherwise determined by the Board.

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

Date adopted: November 8, 2021

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Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2501 Meetings

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

A. Notice

1. The Board must publicly post its regular meeting schedule within 10 calendar days after the Board's first meeting in each calendar or fiscal year. The notice must include the dates, times, and places of the regular meetings. If the regular meeting schedule is changed, the Board must publicly post the revised regular meeting schedule within 3 calendar days after the Board meeting at which the change was made.
2. Special meeting notices must be posted at least 18 hours in advance of a special meeting.
3. Regular and special meeting notices must be posted at the Board's principal offices. The notice, or a prominent and conspicuous link to the notice, also must be posted on the District's website homepage as required by the Open Meetings Act, if the District's website is updated at least monthly with meeting agendas or minutes.
4. Meeting notices must contain:
 - a. the name, address, and telephone number of the Board;
 - b. the time, date, and place of the meeting;
 - c. a statement where official minutes are stored and available for inspection; and
 - d. a disability accessibility notice.
5. Emergency meetings may be held without complying with the above-described notice requirements if there is a severe and imminent threat to the health and safety of the public. The Board will provide notice of an emergency meeting in compliance with the Open Meetings Act.
6. Public hearing notices must contain a description of the purpose(s) for which the public hearing will be conducted to the extent required by law.
7. The notice for an electronic Board meeting must comply with Policy 2501A.

B. Quorum

1. A quorum of the Board means a majority of the Board members elected or appointed to and serving on the Board, unless different quorum and voting rules are otherwise provided by law.
2. All deliberations of a quorum of the Board must take place at a meeting that is open to the public, unless closed session deliberations are permitted by law.
3. All decisions made by the Board constituting a quorum of its members must take place at a meeting that is open to the public, except as otherwise provided by the Open Meetings Act.

C. Meeting Types

1. The Board will hold its regular meetings at the dates, times, and locations specified in the District's annual notice published pursuant to the Open Meetings Act. If the notice is amended, then meetings will be held according to the amended notice.
2. Special or emergency meetings may be called by the President, the Superintendent, or two Board members. Notice of such meetings will be provided in accordance with the Open Meetings Act.
3. The Board may, in compliance with the Open Meetings Act, hold work sessions and retreats to provide Board members and administrators with the opportunity to plan, research, and engage in discussion.
4. The Board may meet as a committee of the whole. See Policy 2505(C).

D. Closed Session

1. The Board may meet and deliberate in closed session only for 1 or more purposes authorized by the Open Meetings Act.
2. Depending on the closed session purpose(s), the Open Meetings Act may require a 2/3 roll call vote for the Board to meet in closed session. A vote to enter closed session must be made in open session.
3. Closed session meeting minutes must be kept confidential. Board members must keep matters discussed and documents received confidential unless otherwise authorized by the Board or law. See Section H, below.
4. All discussions in closed session are limited to the purpose(s) identified in the motion calling the closed session.
5. The Board will determine the non-member attendees for a closed session, unless attendance is required by Policy or law.
6. No decisions will be made during a closed session.

E. Meeting Cancellation

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

F. Electronic Board Meetings and Remote Participation

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

G. Minutes

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

1. The Secretary will record and maintain meeting minutes.
2. The Secretary, or an acting Secretary in the absence of the Secretary, will sign meeting minutes.
3. Meeting minutes will comply with the Open Meetings Act.
 - a. Open session meeting minutes.
 - i. Minutes for a meeting open to the public will include at least the following information:
 - A) the meeting date, time, and location;
 - B) the Board members present for or otherwise participating in the meeting;
 - C) the Board members absent from the meeting;
 - D) board decisions;
 - E) the purpose(s) for which any closed session meeting was held and the specific provision(s) of the Open Meetings Act that permitted the closed session;
 - F) any roll call votes conducted by the Board; and
 - G) corrections, if any.
 - ii. The Board must make proposed open session meeting minutes available for public inspection within 8 business days after the applicable Board meeting.

- iii. The Board must make approved open session meeting minutes available for public inspection within 5 business days after the meeting at which the Board approved the minutes.
- b. Closed session meeting minutes.
 - i. Closed session meeting minutes must be prepared and maintained separately from open session meeting minutes.
 - ii. Closed session meeting minutes will not be made available to, or be disclosed to, the public, except as required by court order.
 - iii. Closed session meeting minutes may be destroyed by the District 1 year and 1 calendar day after the approval of the minutes of the regular meeting at which the closed session minutes were approved, or any time thereafter.
 - iv. Closed session meeting minutes must include at least the following information:
 - A) the meeting date, time, and, location;
 - B) the Board members present for or otherwise participating in the meeting;
 - C) the Board members absent from the meeting; and
 - D) the purpose(s) for which the closed session meeting was held and the specific Open Meetings Act provision(s) that permitted the closed session.
- c. Open session Board meeting minutes may be published on the District's website.

H. Accommodating Board Members and Other Individuals with Disabilities

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

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

Date adopted: November 8, 2021

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Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2501A *Electronic Board of Education Meetings*

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

A. Definitions

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

1. "Medical Condition" means an illness, injury, disability, or other health-related condition.
2. "State of Emergency or Disaster" means a state of emergency or disaster that is declared pursuant to law, charter, or local ordinance by the Governor, a local official, governing body, or chief administrative officer (but not the Board).
3. "Two-Way Communication" means telephone, video, or other means of conferencing that allows Board members to hear and be heard by both the public and other Board members, and allows the public to hear and be heard by other members of the public and the Board members during public comment. Real-time typed public comments that may be read to or shared with Board members and the public is a sufficient form of two-way communication for purposes of public participation during an electronic Board meeting.

B. Permissible Reasons for Wholly Electronic Board Meetings

1. Statewide State of Emergency or Disaster

On or before December 31, 2021, the Board may hold a meeting wholly electronically, with every Board member and the public participating remotely, if there is a statewide State of Emergency or Disaster and convening a meeting in a physical location would risk the personal health or safety of the Board or the public.

2. Local State of Emergency or Disaster

On or before December 31, 2021, the Board may hold a meeting wholly electronically, with every Board member and the public participating remotely, if there is a local State of Emergency or Disaster that affects the area where the Board usually holds its meetings and convening a meeting in that physical location would risk the personal health or safety of the Board or the public.

3. All Board Members Participating Remotely

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

C. Permissible Reasons for Individual Board Member Remote Participation

A Board member who is not physically present at an in-person Board meeting due to the following reasons may be counted toward a quorum, deliberate, and vote by following the procedures listed in Section D, below. Unless otherwise provided, any Board member who does not satisfy one or more of the following conditions must be physically present at the meeting to participate.

1. Military Duty

A Board member who is physically absent due to military duty may participate remotely.

2. Medical Condition

On or before December 31, 2021, a Board member who is physically absent due to a Medical Condition may participate remotely. The Board will not require a Board member to provide a note from a medical provider stating that the Board member has a Medical Condition.

3. Statewide State of Emergency or Disaster

On or before December 31, 2021, a Board member who is physically absent due to a statewide State of Emergency or Disaster may participate remotely if the Board member's in-person attendance at a physical meeting would risk the personal health or safety of the Board or the public.

4. Local State of Emergency or Disaster

On or before December 31, 2021, a Board member who is physically absent due to a local State of Emergency or Disaster may participate remotely if that local State of Emergency or Disaster affects the area in which the Board member resides and the Board member's in-person attendance at a physical meeting would risk the personal health or safety of the Board or the public.

D. Procedures to Accommodate Board Member Remote Participation

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

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

2. The remote Board member must provide notice to [the Superintendent at least 24 hours before the meeting; and
3. The Superintendent or designee will ensure that public notice of the remote Board member's physical absence and information on how to contact the remote Board member is provided sufficiently in advance of the Board meeting so that a member of the public may provide input on or ask questions about any business that will come before the Board at the meeting.

E. Procedures to Ensure Public Participation at Electronic Meetings

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

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

F. Electronic Board Meeting Notice Requirements

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

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

The notice must clearly explain:

1. Why the Board is holding an electronic meeting;
2. How the public may participate remotely. If a telephone number, internet address, virtual meeting address, or other information is needed to participate, that information must be specifically provided;
3. How the public may contact Board members to provide input on or ask questions about business that will come before the Board at the meeting;
4. Which Board members will be participating remotely and information about how the public may contact those Board members in advance of the meeting to

provide input on or ask questions about any business that will come before the Board at the meeting; and

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

G. Electronic Board Meeting Agenda Requirements

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

Legal authority: MCL 15.263, 15.263a.

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2501A-F-1 Electronic Board Meeting Checklist

Deciding whether to hold an electronic Board meeting:

- For a **wholly electronic** Board meeting, every Board member is absent due to military duty, an ADA “disability”, or other reason permitted by Michigan law.
- For a **hybrid physical/electronic** Board meeting, a Board member is participating remotely because
 - The Board member is absent due to military duty.
 - The Board member must participate remotely as a reasonable accommodation for an ADA “disability”.
 - The Board member is subject to another reason permitted by Michigan law.

Preparing for an electronic Board meeting:

- Ensure the Board, each Board member participating remotely, and the public have access to Two-Way Communication.
- Ensure that persons with disabilities will be able to participate in the meeting and notice is given about how to request an accommodation.
- At least 18 hours before the electronic Board meeting, post the electronic Board meeting notice. The notice must include:
 - Why the Board is holding an electronic meeting;
 - How the public may participate remotely;
 - How the public may contact Board members to provide input or ask questions about business that will come before the Board; and
 - How persons with disabilities may participate in the meeting.

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

2501A-F-1 Electronic Board Meeting Checklist

- At least 2 hours before the electronic meeting, post the meeting agenda to the District's website, if an agenda exists.
- The Superintendent or designee must provide notice to the public of which Board members will be participating remotely and information about how members of the public may contact those Board members in advance of the meeting to provide input or ask questions on any business that will come before the Board.
- Although not required by the Open Meetings Act, consider completing an Affidavit of Website Posting of the Public Notice of Electronic Meeting.

During the electronic Board meeting:

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

Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2501A-F-2 Advance Notice of Remote Participation and Remote Attendance for Individual Board Member - Script

Advance Notice of Remote Participation

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

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2500 Board Meetings and Open Meetings Act Compliance

2501A-F-3 Electronic Board Meeting Notice

The [District Name] Board of Education will hold a [regular/special] Board meeting on [Day of the Week], [Month] [Calendar Day], [Year].

The meeting will be held both electronically and in person. One or more Board members will be participating in the Board meeting remotely because of (select all that apply):

- Military duty.
- A medical condition and the meeting will be held on or before December 31, 2021.
- A statewide state of emergency or disaster is declared pursuant to law, charter, or local ordinance and the Board member's in-person attendance at a physical meeting would risk the personal health or safety of the Board members or the public and the meeting will be held on or before December 31, 2021.
- A local state of emergency or disaster is declared pursuant to law, charter, or local ordinance that affects an area in which the Board member resides and the Board member's in-person attendance at a physical meeting would risk the personal health or safety of the Board members or the public and the meeting will be held on or before December 31, 2021.

The public may attend and participate virtually using this link: [insert telephone number, internet address, virtual meeting address, or other information needed to participate]. The public may also attend and participate in person, subject to attendance limits and applicable social distancing and mitigation requirements, at [insert physical location of the meeting].

To the extent feasible, members of the public attending the Board meeting in-person must adhere to social distancing and mitigation measures required by the District or by local or state public health orders to prevent the spread of COVID-19, including maintaining at least 6 feet of distance from anyone outside that person's household.

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

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

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

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2500 Board Meetings and Open Meetings Act Compliance

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

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

State of Michigan)
)ss
County of [redacted])

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

Date of Meeting: [redacted], 20 [redacted]

Hour of Meeting [redacted] o'clock, [redacted].m.

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

Signature

Subscribed and sworn before me in _____ County,

Michigan, on the _____ day of _____, 20____

_____ (signature)

_____ (printed)

Notary public, State of Michigan, County of _____

My Commission expires on _____

Acting in the County of _____

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2500 Board Meetings and Open Meetings Act Compliance

2502 Board Meeting Agenda

Meeting agendas will be prepared by the Superintendent or designee in coordination with the President or designee or other procedure as determined by the Board.

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

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

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

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

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

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

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

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2503 Voting Requirements

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

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

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

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

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

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

Date adopted: November 8, 2021

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Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2504 *Public Participation at Board Meetings*

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

- A. Except during a public participation portion of a Board meeting, no member of the public or other person may address the Board during a public meeting without the express permission of the President or other presiding officer.
- B. The Board will follow public participation rules that balance the District's interest in an orderly public meeting with the public's First Amendment rights. A copy of these rules and any additional public participation rules adopted by the Board will be made available at Board meetings. The Board's public participation rules include, but are not limited to, the following:
 1. before addressing the Board, a member of the public will state his or her name and address;
 2. each person's public comments are limited to 3 minutes per public participation period. This time limit may be adjusted by the President or other presiding officer to facilitate public participation at Board meetings;
 3. persons who are part of a group or organization or who share similar viewpoints are encouraged to designate a spokesperson to address the Board;
 4. public comments of a personal nature are prohibited when: (a) the comments are unrelated to the manner in which a Board member or District employee performs that person's duties, and (b) the comments cause a substantial disruption to the meeting;
 5. any public comment not protected by the First Amendment of the U.S. Constitution is prohibited;
 6. Board members may ask questions of the speakers but are not required to answer questions or make statements in response to a public comment;
 7. written statements and documents presented to the Board by a public participant or group are public records and must be given to the Secretary or designee; and
 8. any audio recording, video recording, broadcasting, or telecasting must be performed from the seating area designated for the public or in the area otherwise designated by the President, Superintendent, or designee, and must not disrupt the meeting.

- C. Once the President or other presiding officer has determined that each member of the public requesting to do so has had a reasonable opportunity to address the Board during a public participation portion of a Board meeting, the President or other presiding officer will announce that the public participation portion of the meeting has ended.
- D. If the President or other presiding officer determines that a member of the public has violated 1 or more of the above rules and refuses to come into compliance with those rules, the member of the public will lose the right to speak during public comment at that meeting. A person who persistently engages in disorderly conduct or otherwise breaches the peace at a Board meeting, after notice from the President or other presiding officer, may be removed.

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

Date adopted: November 8, 2021

Date revised:

Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2505 Board Committees

A. General

1. The Board may establish standing, advisory, and ad hoc committees as it deems necessary and advisable.
2. The Board determines a committee's membership, chairperson, purpose, duties, and authority. The Board may delegate authority to the President to determine a committee's membership and chairperson.
3. A committee's membership must include at least 1 Board member.
4. A committee must be composed of fewer Board members than would constitute a quorum of the Board.
5. The Superintendent or designee may serve as an ex officio member of any committee.

B. Committee Meetings

1. Committee meetings will be convened by the committee's chairperson or designee.
2. When applicable, committee meetings must be held in compliance with the Open Meetings Act, Policy 2501, and, if applicable, Policy 2501A. Any committee that is authorized to deliberate, narrow options, eliminate options, or otherwise make decisions on the Board's behalf must conduct its meetings in compliance with the Open Meetings Act, Policy 2501, and, if applicable, Policy 2501A, including notice requirements, recording minutes, and allowing for public participation.
3. Meeting notices as required by the Open Meetings Act, Policy 2501, and, if applicable, Policy 2501A, will be posted for any committee meeting at which more than a quorum of the Board may be present.
4. When required by the Open Meetings Act, a committee will keep minutes of its meetings. In addition, the Board may direct that a committee keep minutes of its meetings, even if not required by the Open Meetings Act.

C. Committee of the Whole Meetings

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

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

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Date revised:

Series 2000: Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2506 *Organizational Meetings*

The Board's first regular meeting each calendar year will be an organizational meeting. During that meeting, the Board will:

- A. elect Board officers in compliance with Policy 2405. The Superintendent or designee will preside over the organizational meeting until a President is elected;
- B. set the schedule for regular Board meeting dates.

The Board may perform any other act and conduct any other business it deems appropriate during an organizational meeting, and it may conduct additional organizational meetings during the calendar year.

Legal authority: MCL 380.11(a)(3)

Date adopted: November 8, 2021

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Series 2000 Bylaws

2500 Board Meetings and Open Meetings Act Compliance

2506-F Organizational Meeting Checklist

The following issues may be addressed by the Board at an organizational meeting conducted pursuant to Policy 2506:

- Elect Board officers (see Policy 2405):

President: _____

Vice President: _____

Secretary: _____

Treasurer: _____

- Committee appointments (see Policy 2505)
- Establish the schedule for regular Board meetings
- Designate District staff member(s) authorized to post Board meeting notices under the Open Meetings Act: _____
- Designate authorized check signers: _____
- Designate depository(ies) for District funds: _____
- Designate legal counsel: _____
- Designate auditor: _____
- Designate official publication: _____
- Establish rental fees for District facilities and equipment (see Policy 3304)

Series 3000: Operations, Finance, and Property

3100 General Operations

3101 Insurance

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

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3102 *Smoking, Tobacco Products, Drugs, and Alcohol*

A. Definitions

1. “Electronic nicotine delivery system” includes the components, parts, and accessories of an electronic nicotine delivery system, such as e-liquids, cartridges, atomizers, cartomizers (atomizer plus replaceable fluid-filled cartridge), clearomisers, tank systems, flavors, and vials that contain e-liquids.
2. “Illegal drugs” means “controlled substances” under federal or Michigan law, anabolic steroids, human growth hormones or other performance-enhancing drugs, substances purported to be illegal, abusive, or performance-enhancing (i.e., synthetic “look-alike”) drugs, or other drugs prohibited by law.
3. “Tobacco product” means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).
4. “Use of tobacco product” means any of the following:
 - a. the carrying by a person of a lighted cigar, cigarette, pipe, other lighted smoking device, or electronic nicotine delivery system;
 - b. the inhaling or chewing of a tobacco product;
 - c. the placing of a tobacco product within a person’s mouth; or
 - d. the smoking or use of electronic vapor or other substitute forms of cigarettes, clove cigarettes, other lighted smoking devices, or other electronic nicotine delivery systems for consuming or inhaling tobacco or any other substance.

B. Smoking and Tobacco Products

1. The District prohibits the sale, possession, distribution, dispensation, or use of tobacco products, electronic cigarettes, vaporizers, and all electronic nicotine delivery systems on property owned or operated by the District.
2. The District may also prohibit the use of these products at District-related events.

C. Drugs

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

2. The District prohibits the sale, possession, distribution, dispensation, or use of any products containing cannabidiol (commonly referred to as CBD) on property owned or operated by the District and at any District-related event. The Superintendent or designee will consider exceptions to this prohibition.
3. District personnel should review Policy 4210 for the District's drug- and alcohol-free workplace policy. Students should review Policy 5206 for the student discipline policy.

D. Alcohol

1. The District generally prohibits the sale, possession, distribution, dispensation, and use of alcohol on property owned or operated by the District and at any District-sponsored event, except as otherwise provided in this Policy.
2. Reserved
3. Any person or entity with the Superintendent's or designee's permission in subsection D.2 must comply with and enforce all applicable laws and regulations and obtain any legally-required permits. See also Policy 3304.
4. District personnel should review Policy 4210 for the District's drug- and alcohol-free workplace policy.

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3102-F Alcohol Request Use Form

Requester Information

Name(s) of Individual(s)/Organization: _____

Designated Representative: _____

Address: _____

Phone Number: _____

Email: _____

Event Information

Name/Description of Event: _____

Date: _____ Start Time: _____ End Time: _____

Location: _____

- Purpose of Event:
- Recognized Religious Service or Ceremony
 - Adult Education or College Extension Course
 - School Fundraising
 - Social Gathering
 - Other (briefly describe)

Terms & Conditions

Requester will comply with, and is responsible to ensure that all permitted attendees comply with, applicable federal, state, and local laws, rules, and regulations related to the possession or consumption of alcohol associated with the above-described event (“Event”), including any additional requirements or conditions that may be imposed by the Superintendent or designee.

Requester agrees to indemnify, defend, and hold harmless the District and its board members, officers, employees, and agents from all claims, damages, and liabilities,

3102-F Alcohol Request Use Form

including attorneys' fees, in any manner related to the possession or consumption of alcohol associated with the Event.

Requester agrees to be responsible for all injuries and damage to persons or property in any manner related to the possession or consumption of alcohol associated with the Event.

Unless exempted, Requester must obtain and maintain insurance for the Event in the type(s) and amount(s) the Superintendent or designee deems necessary. That insurance must name the District as an additional insured. Requester will provide evidence of such insurance prior to the Event.

Requester may also be required to complete form 3304-F, Facilities Use Request Form.

The Designated Representative is primarily responsible for the obligations stated herein if the Requester is not a legally recognized organization.

Signature: _____ Date: _____

Printed Name: _____ Title: _____

For Internal Use	
<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Date: _____	
Signature of Superintendent or Designee: _____	
<input type="checkbox"/> Insurance is required. Name of insurer: _____	
<input type="checkbox"/> Insurance is not required.	
Approval is subject to the following additional requirements:	

Requester acknowledges and agrees to the additional requirements (if applicable).	
Signature: _____	
Printed Name: _____	
Date: _____	

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3103 Copyright Compliance

A. Use Restrictions

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

B. Copyright Compliance Materials and Training

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

C. Course Materials Subject to Copyright Protection

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

D. Copies for a Person with a Disability

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

E. Removal of an Unauthorized Copyrighted Work

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

F. Violation by Students and Staff

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

Legal authority: 17 USC 101 et seq.

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3104 *School Cameras and Monitoring*

The District may monitor any building, facility, property, bus, or vehicle with video recording equipment other than areas where a person has a legally recognized and reasonable expectation of privacy (e.g., restrooms and locker rooms). Except in those areas, a person has no expectation of privacy.

- A. The District will not use video recording equipment that also records audio, except in the following situations:
- an open session Board meeting;
 - a District or District-sponsored athletic event or performance;
 - a graduation ceremony;
 - assigned coursework requiring audio recording capability; or
 - any other lawful circumstance, if approved by the Superintendent or designee.
- B. The District may use video recordings for any lawful purpose, including student or employee discipline, assisting law enforcement, or investigations.
- C. Audio and video recordings by students are addressed in Policy 5805, and audio or video recordings of parent/guardian and student meetings are addressed in Policy 5806.

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3105 Visitors and Volunteers

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

A. Visitors

1. A person may not enter or remain on the District's property if prohibited by law.
2. A person visiting a school building during instructional hours must first report to the building's main office. In the Superintendent's or building principal's discretion, a visitor may be required to sign in, present a form of identification, explain the visitor's purpose, wear a visitor badge, and be escorted while on District property. District personnel that discover a visitor who has not reported to the building's main office will promptly direct the visitor to the building's main office.
3. The District may require advance notice from a person who desires to observe classroom instruction. See also Policy 5401.
4. The building principal or designee may permit a parent/guardian who is a registered sex offender to visit District property to participate in or attend his or her child's school activities. The building principal or designee may require the parent/guardian to comply with other conditions upon visitation, including: a check-in/check-out system, an employee escort while on District property, and a requirement to leave District property immediately upon conclusion of the child's activity.

B. Volunteers

1. A person desiring to volunteer must provide information to the District, including that person's name, address, telephone number, and a form of identification.
2. The District may lawfully require a volunteer to complete an application and consent to a background check as described in Policy 4205.
3. Volunteering is a privilege, not a right. A person does not have any right to volunteer or to perform any particular volunteer assignment. The Superintendent or designee will assess a volunteer's capabilities and determine the appropriate volunteer assignment. The Superintendent or designee may reject a volunteer's request or deny or terminate a volunteer's assignment at any time for any reason that is not unlawful.
4. Volunteer Drivers

- a. A volunteer may only drive a District vehicle with approval of the Superintendent or designee and in compliance with all applicable laws. For purposes of this subsection B.4, a “District vehicle” is a vehicle owned or leased by the District, including a school bus, and a “private vehicle” is any vehicle that is not a District vehicle.
- b. With the Superintendent or designee’s approval, District personnel, an approved volunteer, or a student’s parent/guardian may transport students to and from a school or school-sponsored event in a private vehicle.
- c. Except in an emergency, before a student rides in a private vehicle, the driver must have permission from the student’s parent/guardian to transport the student to or from the school or applicable event. Permission must be in writing if the driver is using a vehicle with a manufacturer’s rated seating capacity of 11 or more passengers.
- d. A volunteer driver must:
 - hold a valid driver’s license appropriate for the vehicle;
 - if required by law, hold a valid chauffeur’s license; and
 - for a private vehicle, provide to the Superintendent or designee’s satisfaction proof of insurance, safe driving record, and proof of the vehicle’s lawful registration.
- e. A volunteer driver is responsible for any loss, damage, cost, and liability related to the driver’s operation of a District vehicle or private vehicle.

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

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 3000: Operations, Finance, and Property

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3105-F Volunteer Service Form

The Board of Education recognizes and appreciates the generosity and support it receives from volunteers.

Volunteer Information

Name: _____ (“Volunteer”)

Address: _____

Phone Number: _____ Date of Birth: _____

Email: _____

Names of children attending the District, if any: _____

Volunteer must provide a valid form of photo identification (e.g., driver’s license, passport, or state issued identification card).

Have you previously volunteered for the District? Yes No

Have you previously been denied the opportunity to volunteer for the District? Yes No

Are you a registered sex offender? Yes No

Have you been convicted of a felony? Yes No

If yes, please describe the offense(s), date(s), and location(s):

Are you the subject of a current criminal or child protective services investigation or do you have pending criminal charges against you? Yes No

If yes, please describe the investigation or charges:

3105-F Volunteer Service Form

Requested Volunteer Position

Title/Description: _____

Start date: _____ End date: _____

Terms & Conditions

Volunteer agrees to indemnify, defend, and hold harmless the District, its officers, employees, agents, board members, students, and guests from all claims, damages, and liabilities, including attorneys' fees, in any manner arising out of Volunteer's volunteer services. Volunteer is responsible for all injuries or damages to persons or property caused by Volunteer.

If the District approves this request, Volunteer certifies that when serving in the volunteer position he or she will: (i) perform as a volunteer and not as a District employee; (ii) comply with all federal, state, and local laws, rules, and regulations; (iii) comply with any additional requirements or conditions that may be imposed by the Superintendent; and (iv) not use or be under the influence of illegal drugs or alcohol.

Volunteer acknowledges that volunteering for the District is a privilege, not a right. The District's Superintendent or designee may reject a person's request or terminate a Volunteer's assignment at any time for any reason that is not unlawful. Volunteer may also be required to complete a background check at any time and hereby consents to such a background check.

Volunteer confirms that, to the best of his or her knowledge, the information provided within this form is true, complete, and accurate.

Volunteer Signature: _____

Date: _____

For Internal Use	
<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Date: _____	
Signature of Superintendent or Designee: _____	
Approval is subject to the following additional requirements:	

Volunteer acknowledges and agrees to the additional requirements (if applicable).	
Signature: _____	
Printed Name: _____	Date: _____

Series 3000: Operations, Finance, and Property

3100 General Operations

3106 *Booster Clubs, PTOs, and Other Support Groups*

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

A. General Rules

1. A support group must comply with applicable laws, Policies, administrative guidelines, and internal procedures.
2. A support group is required to submit to the District Form 3106-F annually, whether a new or existing support group.
3. A support group will indicate on Form 3106-F whether it has completed the criteria to be designated as an external support group, as defined below. The Superintendent or designee, in his or her sole discretion, may designate a support group as an internal or external support group based on information provided and as defined below.

B. Internal Support Groups

1. An internal support group is a group of individuals, including parents/guardians, community members, and advisors, which is approved to operate within the District (e.g., internally conducted class or club fundraisers). An internal support group’s activities require prior written approval of the Superintendent or designee.
2. Funds raised by an internal support group are public funds that must be deposited with the District, and any related expenditure must be approved by the Superintendent or designee.
3. The Board may revoke the approval of an internal support group at any time.

C. External Support Groups

1. An external support group is a group, separate from the District, that supports the District’s programs and activities (e.g., booster clubs, both athletic and non-athletic, and PTOs). Unless the District agrees in writing, an external support group’s activities are not District sponsored.
2. Funds raised by an external support group are not public funds and may not be held by, or deposited with, the District. An external support group must maintain a separate bank account and adopt written accounting procedures.

3. The District strongly encourages external support groups to seek the advice of legal counsel and form a separate legal entity.
4. The Superintendent or designee may request informational documents for verification purposes, including its accounting procedures, bylaws, insurance, and state or federal filings. The District's request and review of documentation is not an endorsement of its accuracy or legal sufficiency.
5. An external support group is prohibited from using the District's tax identification or employer identification number.
6. An external support group is not an agent of the District and may not represent that it is an agent of, or legally related to, the District.
7. An external support group may not represent or suggest that the District sponsors, endorses, or approves a fundraiser, annual participation fee, or solicitation without the District's written consent.

D. Violations

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

1. prohibit the group from using District facilities, soliciting funds on District property and at District-sponsored events, or using the District's name and logo; or
2. take any other action deemed appropriate by the Board.

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3106-F Booster Clubs, PTOs, and Other Support Groups

Support groups are required to complete this form annually by [insert date], whether operating within the District or as a separate legal entity.

New Support Group **Renewal of Existing Support Group**

Name of Support Group: _____

Contact Person Name: _____

Contact Person Title: _____

Address: _____

Phone: _____ Email: _____

Program or Activity Supported: _____

Please indicate the status of the support group:

- Internal Support Group (e.g., parent/guardian group operating within the District).
Complete Section A.
- External Support Group (e.g., booster club, PTO, other separate legal entity).
Complete Section B and Acknowledgment and Release Form.*

Section A: Internal Support Groups

Building of Operation: _____

Describe purpose, activities, events, and fundraisers held (if applicable):

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Primary Staff Contact: _____

3106-F Booster Clubs, PTOs, and Other Support Groups

Section B: External Support Groups

Type of Entity (e.g., non-profit corporation): _____

Bylaws Adopted: Yes No Date Adopted: _____

Date of Formation: _____ (use State of Michigan incorporation date, if applicable)

EIN: _____ (attach copy of IRS confirmation or approval letter)

Banking Institution: _____

*If in the process of forming a legal entity, please describe steps taken and pending approvals:

Note: If any of the above steps have not been completed at the time of filing this form, once completed, a new or updated form must be submitted to the District.

Date of Annual Meeting and Election of Officers: _____

Name and Contact Information of Current Officers:

Title	Name	Phone	Email
President			
Vice President			
Treasurer			
Secretary			

Signature: _____ Date: _____

Printed Name: _____ Title: _____

**External Support Groups must complete the attached Acknowledgment and Release Form.*

3106-F Booster Clubs, PTOs, and Other Support Groups

For Internal Use	
Date Received:	_____
Received by: _____	Printed Name: _____
<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signature of Superintendent or Designee:	_____

If approved or denied by Board of Education, date of Board Meeting: _____	

3106-F Booster Clubs, PTOs, and Other Support Groups

Acknowledgment and Release Form Booster Clubs, PTOs, and Other Legally Separate Parent/Guardian Groups

By executing this Acknowledgement and Release (“Acknowledgment”), I certify that I am an authorized representative or officer of the parent/guardian group identified below (“Organization”). On behalf of the Organization, which is operated as a separate legal entity from the District, I certify the following:

I have read and understand District Policy 3106 related to the policies and procedures applicable to our Organization. The Organization’s operations will comply with applicable board policies and procedures, administrative guidelines, and board and administrative directives. I certify on behalf of the Organization that the Organization will not represent to any third party that it is an agent of the District or has any authority to act on behalf of the District.

The Organization is currently a properly formed separate legal entity (or is in the process of becoming a separate legal entity) as indicated on District form 3106-F. The Organization certifies that it has: (1) established a legal entity through the State of Michigan; (2) obtained an employer identification number (EIN) through the Internal Revenue Service and does not utilize the District’s EIN for any purpose; and (3) established a separate bank account in the name of the Organization.

As a legally separate entity, the Organization is fully responsible for compliance with applicable state and federal laws. The District does not require the Organization to obtain tax-exempt status as a 501(c)(3) or other form of charitable organization, which is a decision for the Organization. Information provided by the District is general in nature and should not be construed as legal advice. The Organization is solely responsible for consulting with appropriate professionals on legal, tax, accounting, and other compliance matters, as deemed necessary by the Organization, including whether tax-exempt status would be beneficial for the Organization.

District personnel may participate in the Organization’s events and activities on a voluntary basis but may not be required to participate. The Organization is responsible for safeguarding funds raised by the Organization and has adopted written procedures or internal controls related to funds to minimize fraud or abuse. The District will not be liable for the failure of the Organization to properly safeguard funds or for losses associated with fraud or misuse of funds. Events and activities, including fundraisers, held by the Organization are not District sponsored events and the District will not be held liable for such events or activities.

By execution of this Acknowledgment, I certify on behalf of the Organization that I have read and understand this Acknowledgment and that the Organization releases and holds the District harmless from liability arising from the operation of the Organization, including liability related to events and activities, failure to comply with applicable law, financial losses incurred, including those resulting from fraud or similar acts, and other liability associated with the Organization’s operations.

Name of Organization: _____

Signature: _____ Date: _____

Printed Name: _____ Title: _____

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3106-F Booster Clubs, PTOs, and Other Support Groups

Support groups are required to complete this form annually by [September 1st], whether operating within the District or as a separate legal entity.

New Support Group **Renewal of Existing Support Group**

Name of Support Group: _____

Contact Person Name: _____

Contact Person Title: _____

Address: _____

Phone: _____ Email: _____

Program or Activity Supported: _____

Please indicate the status of the support group:

- Internal Support Group (e.g., parent/guardian group operating within the District).
Complete Section A.
- External Support Group (e.g., booster club, PTO, other separate legal entity).
Complete Section B and the attached Acknowledgment and Release Form.

Section A: Internal Support Groups

Building of Operation: _____

Describe purpose, activities, events, and fundraisers held (if applicable):

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Primary Staff Contact: _____

3106-F Booster Clubs, PTOs, and Other Support Groups

Section B: External Support Groups

Type of Entity (e.g., non-profit corporation): _____

Bylaws Adopted: Yes No Date Adopted: _____

Date of Formation: _____ (use State of Michigan incorporation date, if applicable)

EIN: _____ (attach copy of IRS confirmation or approval letter)

Banking Institution: _____

If in the process of forming a legal entity, please describe steps taken and pending approvals:

Note: If any of the above steps have not been completed at the time of filing this form, once completed, a new or updated form must be submitted to the District.

Date of Annual Meeting and Election of Officers: _____

Name and Contact Information of Current Officers:

Title	Name	Phone	Email
President			
Vice President			
Treasurer			
Secretary			

Signature: _____ Date: _____

Printed Name: _____ Title: _____

External Support Groups must complete the attached Acknowledgment and Release Form.

3106-F Booster Clubs, PTOs, and Other Support Groups

For Internal Use	
Date Received:	_____
Received by: _____	Printed Name: _____
<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signature of Superintendent or Designee:	_____

If approved or denied by Board of Education, date of Board Meeting: _____	

3106-F Booster Clubs, PTOs, and Other Support Groups

**Acknowledgment and Release Form
Booster Clubs, PTOs, and Other Legally Separate Parent/Guardian Groups**

By executing this Acknowledgement and Release (“Acknowledgment”), I certify that I am an authorized representative or officer of the group identified below (“Organization”). On behalf of the Organization, which is operated as a separate legal entity from the District, I certify the following:

I have read and understand District Policy 3106 related to the policies and procedures applicable to our Organization. The Organization’s operations will comply with applicable Board policies and procedures, administrative guidelines, and Board and administrative directives. I certify on behalf of the Organization that the Organization will not represent to any third party that it is an agent of the District or has any authority to act on behalf of the District.

The Organization is currently a properly formed separate legal entity (or is in the process of becoming a separate legal entity) as indicated on District form 3106-F. The Organization certifies that it has: (1) established a legal entity through the State of Michigan; (2) obtained an employer identification number (EIN) through the Internal Revenue Service and does not utilize the District’s EIN for any purpose; and (3) established a separate bank account in the name of the Organization.

As a legally separate entity, the Organization is fully responsible for compliance with applicable state and federal laws. The District does not require the Organization to obtain tax-exempt status as a 501(c)(3) or other form of charitable organization, which is a decision for the Organization. The Organization is solely responsible for consulting with appropriate professionals on legal, tax, accounting, and other compliance matters, as deemed necessary by the Organization, including whether tax-exempt status would be beneficial for the Organization. Information provided by the District is general in nature and should not be construed as legal advice. District personnel may participate in the Organization’s events and activities on a voluntary basis but may not be required to participate. The Organization is responsible for safeguarding funds raised by the Organization and has adopted written procedures or internal controls related to funds to minimize fraud or abuse. The District will not be liable for the failure of the Organization to properly safeguard funds or for losses associated with fraud or misuse of funds. Events and activities, including fundraisers, held by the Organization are not District-sponsored events and the District will not be held liable for such events or activities.

By execution of this Acknowledgment, I certify on behalf of the Organization that I have read and understand this Acknowledgment and that the Organization releases and holds the District harmless from liability arising from the operation of the Organization, including liability related to events and activities, failure to comply with applicable law, financial losses incurred, including those resulting from fraud or similar acts, and other liability associated with the Organization’s operations.

Name of Organization: _____

Signature: _____ Date: _____

Printed Name: _____ Title: _____

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3100 General Operations

3107 Use of Detection Dogs

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

A. Protocol for Use of a Detection Dog

1. A detection dog is only permitted on District property with prior written permission of the Superintendent or building principal or pursuant to a court order. If law enforcement seeks to bring a detection dog onto District property to comply with a court order, the Superintendent or building principal will request and retain a copy of the court order.
2. A detection dog must be properly trained and reliable and must be handled by a law enforcement officer or other person qualified to handle the dog.
3. The Superintendent or building principal will determine the location(s) where a detection dog will be used, in the absence of a warrant or court order specifying such location(s).
4. Students and staff may be informed over the public address system and may be directed to remain in place or relocate to a different area during the use of the detection dog.
5. If a detection dog alerts on a person's property, the alert will constitute reasonable suspicion for a District administrator to search the property.
 - a. The administrator may first seek the person's consent to search the property.
 - b. Absent consent, a search must be justified at its inception and reasonable in scope.
 - c. All searches of students must comply with Policy 5103, and the student's parent/guardian will be notified of the search as soon as practicable after the search concludes.
 - d. If the driver of a vehicle on which a detection dog has alerted refuses to unlock the vehicle, the matter will be promptly referred to law enforcement. The driver may also be subject to discipline.
6. Anything found in the course of a search that is evidence of a violation of Policy, school rules, handbook, or federal or state law may be seized and admitted as evidence in any disciplinary proceeding. A District administrator will tag and

identify any illegal drug, dangerous weapon, and other illegal item and promptly turn it over to law enforcement.

B. Notice to Students and Staff

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

Date Adopted: November 8, 2021

Date Revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3107-F Use of Detection Dogs Policy Notice

Note: This language can be added to other required annual notices (e.g., McKinney-Vento, pesticide awareness, asbestos) distributed to parents.

The District may use detection dogs, without a warrant or consent, to sniff property in an effort to locate illegal drugs or contraband according to Board Policy 3107's protocol. Detection dogs will not be used to search a person unless the search is otherwise authorized by law or Policy.

The District will inform students and personnel over the public address system when a detection dog is being used and may direct students and personnel to remain in place or relocate.

A detection dog alerting on a person's property constitutes reasonable suspicion for a District administrator to search the property. Anything found during a search that violates Policy, school rules, school handbook, or state or federal law may be seized and used as evidence in a disciplinary proceeding. Any illegal drugs, dangerous weapons, and other illegal items found during a search will be tagged and identified by a District administrator and turned over to law enforcement.

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3100 General Operations

3108 Service Animals

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

A. Definition

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

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

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

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

B. Admission of Service Animals

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

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

C. Inquiries

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

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

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

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

D. Charges, Fees, and Liability

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

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

E. Care and Supervision of Service Animal

The person with a disability or the service animal's handler is responsible for the care and supervision of the service animal at school, including, toileting, feeding,

grooming, veterinary care, and exercising. The District is not responsible for supervising or otherwise caring for a service animal unless required by law.

F. Control of Service Animal

A service animal must be under the control of its handler at all times. A service animal must be on a harness, leash, backpack, or other tether unless the person's disability prevents the use of the device or the device interferes with the service animal's safe and effective performance of work or tasks. In this case, the person with a disability or the handler must use voice, signal, or other effective means to maintain control of the service animal.

G. Exclusion of Service Animal

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

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

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

H. Allergies

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

I. Denial of Access and Grievance

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

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

J. Non-Service Animals

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

Legal authority: 28 CFR 35.136; MCL 287.291

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3108-F Notification of Service Animal

Note: Students or staff who want to be accompanied by a service animal are encouraged but not required to complete this form.

Assisted Person: _____

Assisted Person is: Staff Student Other

Animal Owner (if different than Assisted Person): _____

Animal Handler (if different than Assisted Person): _____

Animal Name: _____ Type of Animal: Dog Miniature Horse

Note: District staff may ask the questions below only if the answers are not readily apparent:

Is the service animal required because of a disability? Yes No

What type of work or task has the service animal been trained to perform?

By signing below, I acknowledge that I have read and understand Policy 3108, Service Animals, and will abide by its terms.

I understand that either I or a handler will be responsible for the care and supervision of the animal on the District's property, unless state or federal law requires the District to provide a handler for the animal.

I understand that the animal must *always* be under my control or the control of the handler.

I understand that the District may exclude or remove the service animal from District property or functions if the service animal: (i) is out of control and neither I nor the handler take effective action to control it, (ii) is not housebroken, (iii) presents a direct threat to the health or safety of others in the school, or (iv) fundamentally alters the nature of the District's services, programs, or activities.

I understand that I am responsible for any damage to District property or injury to persons caused by the animal.

Owner Signature (If not parent/guardian)

Date

3108-F Notification of Service Animal

Parent/Guardian Signature

Date

Assisted Person Signature

Date

Handler Signature

Date

Note: This note may be deleted before distributing the form. Neither state nor federal law require persons with disabilities to possess a license, identification card, patch or other identifying item for a service animal. If your local regulations require an animal to be licensed and vaccinated, you can consider including the provision below:

Please attach:

- Proof of current local licensure
- Proof of current vaccinations and immunizations from a licensed veterinarian (as required by state and local law)

School Official Signature

Date

Title

This form is valid until the end of the current school year. It should be renewed prior to the start of each subsequent school year or whenever a different service animal will be used.

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3100 General Operations

3109 Non-Service Animals

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

A. Use of Animals for Instructional Purposes

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

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

B. Therapy Dogs

1. Definition of Therapy Dog

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

- a. individually trained and certified by an approved therapy dog training organization;
- b. engaged in animal assisted activities and interactions under the direct supervision of a handler; and
- c. managed by a handler who has been individually trained, evaluated, and registered with their therapy dog to provide animal assisted activities and animal-assisted interactions on District property.

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

2. Standards and Procedures for Therapy Dogs

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

- a. Request. An owner who wants to bring a therapy dog on District property must submit a written request to the Superintendent or designee. The request must be renewed each school year or whenever a different therapy dog will be used.
- b. Training and Certification. The owner must submit any training or certification information requested by the Superintendent or designee. Any certification required by the District must remain current at all times.
- c. Health and Vaccination. The therapy dog must be clean, well-groomed, in good health, house broken, and immunized against diseases common to such animals. The owner must submit proof of current required licensure from the county or other licensing authority and proof of the therapy dog's current vaccinations and immunizations from a licensed veterinarian, if applicable.
- d. Control. A therapy dog must be under the owner's or handler's control at all times.
- e. Handler. If the therapy dog's handler is a District employee, the therapy dog will not interfere with the employee's primary job responsibilities.
- f. Ownership. Therapy dogs may be provided by a third party, or independently owned by a District employee. If owned by a District employee, the therapy dog must meet the standards of health described above at the owner's expense. Required training for accreditation must be at the owner's expense. The District bears no financial responsibility for the care or feeding of the therapy dog. The District is not responsible for providing any care, supervision, or assistance of the therapy dog.
- g. Transportation. Animals, other than service animals, are not to be transported on school buses. It is the responsibility of the therapy dog's handler to transport the dog to and from school property.
- h. Identification. The therapy dog must wear appropriate identification identifying it as a therapy dog.
- i. No Disruption. The therapy dog's behavior must not disrupt the educational process.
- j. Health/Safety. The therapy dog must not pose a health or safety risk to any student, employee, or other person.
- k. Supervision/Care of Therapy Dogs. The owner or handler is responsible for the supervision and care of a therapy dog, including feeding, exercising, and clean up while the dog is in a District building or on District property.

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

- l. Authorized Area(s). The owner or handler will only allow the therapy dog to be in those areas that have been pre-authorized by the Superintendent or designee.
- m. Insurance. The owner or handler must submit a copy of an insurance policy that provides liability coverage for any damage or injury caused by the therapy dog while on District property.

3. Exclusion or Removal from School

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

- a. the handler does not have control of the dog;
- b. the dog is not housebroken;
- c. the dog presents a direct and immediate threat to others; or
- d. the dog's presence otherwise disrupts the educational process.

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

4. Allergic Reactions

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

5. Damages to District Property and Injuries

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

C. Emotional Support Animals

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

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

Legal authority: 28 CFR 35.136

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 3000: Operations, Finance, and Property

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3109-F Therapy Dog Request

Owner: _____

Dog Name: _____

Is it a certified therapy dog? Yes No

Has the dog received any training or certification? Yes No

If yes, please provide details (attach any certifications or proof of training):

Is the dog current on all required immunizations and vaccinations? Yes No

Does the dog have an ID that indicates it is a therapy dog? Yes No

I have attached the following documentation:

- Proof of current licensure
- Proof of current vaccinations and immunizations from a licensed veterinarian
- Declaration page indicating adequate liability insurance coverage

Building areas or other District property authorized by the Superintendent or designee for the therapy dog (e.g., hallways, main office, gym, 2nd grade classroom, Room No. 102):

By signing below, I acknowledge that I have read and understand Policy 3109, Curricular Animals, and will abide by the terms of that Policy.

I understand that either I or a handler will be responsible for the care and supervision of the dog on District property.

I understand that the dog must be under my control or a handler's control *at all times*.

I understand that the dog must wear appropriate identification identifying it as a therapy dog while on District property.

I will only bring the dog into the authorized areas listed above that have been pre-authorized by the Superintendent or designee.

3109-F Therapy Dog Request

I understand that the District may exclude or remove the dog from District property or functions if the dog: (i) is out of control, (ii) is not housebroken, (iii) presents a direct threat to others, or (iv) otherwise disrupts the educational process. I will remove the dog immediately if this determination is made.

I understand that if a student or employee suffers an allergic reaction to the dog, I must remove the dog to another location determined by the Superintendent or designee. I understand that I am responsible for any damage to District property or injury to persons caused by the dog.

Owner Signature (If not handler)

Date

Handler Signature (If different than owner)

Date

School Official Signature

Date

This form is valid until the end of the current school year. It should be renewed prior to the start of each subsequent school year or whenever a different therapy dog will be used.

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3110 Data Breach Response

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

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

A. Assess and Investigate the Data Breach

1. Make a reasonable effort to identify the cause of the data breach and secure known access points.
2. Promptly conduct a reasonable investigation to determine the extent of the data breach and the identity of persons whose personal information has been compromised. The investigation will include, to the extent possible, an assessment of the software, hardware, and physical documents that were accessed; which personnel and third parties had access to the compromised data; and what specific information was compromised.
3. Contact legal counsel, insurance carriers, and any other person or consultant necessary to investigate the cause of or response to the data breach. If appropriate, the Superintendent or designee may also contact law enforcement.

B. Notifications Involving Michigan Resident Data

1. Promptly notify:
 - a. each Michigan resident whose personal information was accessed, including encrypted information, if the person accessing the information also had unauthorized access to the encryption key; and
 - b. any other person or organization that owns or licenses data subject to a data breach affecting a Michigan resident.
2. Notices must:
 - a. be in writing;
 - b. describe the data breach in general terms, the type of personal information accessed in the data breach, the District’s response to protect data from further breaches, and remind the affected person of the need to remain vigilant for incidents of fraud and identity theft;
 - c. include the District’s telephone number and any other telephone number where the recipient may receive additional information; and

- d. whenever possible, be mailed to the postal address of the affected person.
- C. If a data breach or other digital intrusion compromises information of a non-Michigan resident, comply with the data breach notification law of that resident's state.

Legal authority: MCL 445.63, 445.72

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3111 Drones

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

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

A. Approval of Drone Use

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

B. Use Requirements

1. A drone must weigh less than 55 pounds, including the weight of anything attached to the drone. A drone exceeding this weight restriction may not be operated on District property absent FAA approval.
2. A drone may be used:
 - a. for recreational purposes. Recreational purposes is broadly construed to refer to any drone use that is not for:
 - i. compensation;
 - ii. furtherance of a business; or
 - iii. instructional purposes.
 - b. by a student if the use is a component of an approved curriculum. A drone may be used by personnel if the use is incidental and secondary to a student’s permitted co-curricular use.
 - c. for commercial purposes in accordance with FAA regulations and requirements.
3. A drone operator must:
 - a. abide by safety guidelines of a community based organization;
 - b. maintain a visual line of sight with the drone for the duration of the use;
 - c. not interfere with manned aircraft operations;
 - d. not operate the drone more than 400 feet above ground level;

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

C. Disclaimer of Damages and Liability

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

D. Violations and Unauthorized Use

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

Legal authority: 14 CFR Part 107

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3111-F Drone Use Request Form

Contact Information

Name: _____

Phone Number: _____

Email: _____

Flight Information

Proposed Flight Date(s): _____

Proposed Flight Time(s): _____

Aircraft Make/Model: _____

FAA Registration #: _____

(Drones weighing more than 0.55 lbs and less than 55 lbs must be FAA registered.)

Purpose: Recreational Commercial

Camera or recording device to be used: Yes No

Acknowledgment

I acknowledge that I have read and understand Policy 3111, Drones, and will abide by the terms of that Policy.

Signature

Date

3111-F Drone Use Request Form

For Internal Use				
<input type="checkbox"/>	Approved	<input type="checkbox"/>	Not Approved	Date: _____
Signature of Superintendent or Designee: _____				
Approval is subject to the following additional requirements:				

Requester acknowledges and agrees to the additional requirements (if applicable).				
Signature: _____				
Printed Name: _____				
Date: _____				

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3112 Hours and Days of School Operations

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

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

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3113 Social Security Numbers

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

A. Social Security Number Confidentiality

1. District personnel may access another person's social security number only to the extent necessary to perform District job duties.
2. Any physical, non-digital document or physical copy of a digital document, containing a person's social security number, if practical, should be stored in a secure area when not in use.
3. Any application, software program, electronic document, or other digital means through which a person has access to a social security number must be password protected.
4. District personnel and Board members will not intentionally disclose a social security number or a document containing a social security number to another person unless (a) that person is authorized to receive social security numbers under subsection B of this Policy, or (b) the disclosure is necessary to comply with applicable law, subpoena, or court order.
5. To share a document containing a social security number with a person not authorized to receive a social security number under subsection B, District personnel must make reasonable efforts to redact social security numbers from the document.
6. District personnel authorized to receive social security numbers will make reasonable efforts to destroy each document containing a social security number when it is no longer needed by shredding or incinerating it, subject to record retention requirements. See Policy 3502.
7. The District will not display a social security number on its checks.

B. District Personnel Authorized to Receive Social Security Numbers

1. The following persons may receive a social security number in the course of performing their duties:
 - Superintendent;
 - Chief business official;
 - Chief human resources official;

2. If District personnel or a Board member encounters a document in the District's possession containing a social security number of another person in the course of performing District duties, that person should give the document to a person authorized to receive social security numbers.

C. FOIA Requests

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

D. Penalties

1. A Board member who knowingly violates this Policy may be censured by the Board.
2. An employee who knowingly or negligently violates this Policy may be subject to discipline. See Policies 4309, 4408, 4506, and 4607.

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3114 *Litigation*

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

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

3115 *Nondiscrimination and Retaliation*

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

- A. Employee complaints of unlawful discrimination (including harassment) and unlawful retaliation are governed by Policy 4104. Employee complaints of Title IX sexual harassment are governed by Policy 3118.
- B. Student complaints of unlawful discrimination (including harassment) and unlawful retaliation are governed by Policy 5202. Student complaints of Title IX sexual harassment are governed by Policy 3118
- C. A contractor, volunteer, visitor, employee acting outside the scope of employment, or other non-student who believes he or she has been the subject of, or is otherwise aware of, unlawful discrimination (including harassment) or unlawful retaliation must timely file a good faith complaint alleging unlawful discrimination (including harassment) or unlawful retaliation using Form 4104-F with the Superintendent or, if a complaint is against the Superintendent, with the Board President. A complaint of unlawful discrimination (including harassment) or unlawful retaliation will be promptly and thoroughly investigated. The Superintendent or Board President will forward the complaint to one of the following, as applicable:
 - 1. Title IX Coordinator;
 - 2. Section 504 Coordinator; or
 - 3. Civil Rights Coordinator.
- D. Any person may also contact the Office for Civil Rights, U.S. Department of Education (“OCR”), by email at OCR.Cleveland@ed.gov, by telephone at (216) 522-4970, or by fax at (216) 522-2573 regarding compliance with the regulations implementing Title VI, Title IX, Section 504, or any other applicable laws for which OCR has jurisdiction.
- E. contractor and its subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, national origin, religion, sex (including pregnancy, gender identity, or sexual orientation), age, height, weight, and marital status.

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

Date adopted: November 8, 2021

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Series 3000: Operations, Finance, and Property

3100 General Operations

3116 *District Technology and Acceptable Use*

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

A. Children's Internet Protection Act

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

1. Monitor minors' online activities and use technology protection measures on the District's computers with internet access to block minors' access to visual depictions that are obscene, constitute child pornography, or are harmful to minors. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:
 - a. taken as a whole and as to minors, appeals to a prurient interest in nudity, sex, or excretion;
 - b. depicts, describes, or represents, in a patently offensive way as to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - c. taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
2. Use technology protection measures on the District's computers with internet access to block all access to visual depictions that are obscene or that constitute child pornography. The technology protection measures may be disabled by authorized personnel during adult use to enable access to bona fide research or for other lawful purposes. The Superintendent or designee will determine which District personnel are authorized to disable the protection measures.
3. Educate minors about appropriate online behavior, including interacting with other people on social networking websites and chat rooms, as well as cyberbullying awareness and response.
4. Prohibit access by minors to inappropriate matter on the internet.
5. Prohibit unauthorized access, including hacking and other unlawful online activity by minors.

6. Prohibit the unauthorized disclosure, use, and dissemination of personal identification information about minors.
7. Restrict minors' access to materials that are inappropriate for minors. The Board defines materials that are "inappropriate for minors" to include obscene depictions, child pornography, and any other material harmful to minors.
8. Encourage the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communication.

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

B. Acceptable Use Agreement

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

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

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

1. A statement that:

- a. use of District technology resources is a privilege that may be revoked at any time;
- b. a user has no expectation of privacy when using District technology resources;
- c. District technology resources use may be monitored by the District and that the use may be subject to FOIA or disclosure in litigation;
- d. District technology resources may not be used to bully, harass, or intimidate others;
- e. misuse of District technology resources may result in loss of access to the resources and potential disciplinary action; and
- f. the District does not guarantee that the District's technology resources will be error free or uninterrupted.

2. Provisions to protect the integrity of District technology resources, including a requirement that each user only access the resources by using that user's assigned user name and password.
3. A list of what constitutes misuse of District technology resources.
4. A prohibition against:
 - a. accessing other user accounts or files without authorization;
 - b. conducting personal business or activities;
 - c. accessing pornography;
 - d. communicating inappropriately with students;
 - e. accessing or downloading confidential student information which the employee has no legitimate educational need to know; and
 - f. accessing or downloading unauthorized software or programs.
5. A requirement that users report any material that is threatening, harassing, or bullying.
6. A release of all claims and liability against the District for use of District technology resources.

C. District Personnel Use

District personnel must comply with Policies 4215 and 4216.

D. Public Access to Technology

1. Pursuant to the Michigan Library Privacy Act, each school library offering public access to the internet or a computer, computer program, computer network, or computer system (a "Qualifying School Library") will limit minors to only use or view those terminals that do not receive material that is obscene, sexually explicit, or harmful to minors. Persons age 18 or older, or a minor accompanied by the minor's parent/guardian, may access a school library terminal that is not restricted from receiving such material, if any.
2. Only when a Qualifying School Library offers public access as described in subsection D.1., the District must designate at least 1 terminal that is not restricted from receiving such material and at least 1 terminal that is restricted from receiving such material. Library staff must take steps to ensure that minors not accompanied by a parent or guardian do not access the unrestricted terminal. The Superintendent or designee will determine which employees will implement subsection D in each Qualifying School Library.
3. As used in this Policy, "terminal" means a device used to access the internet or a computer, computer program, computer network, or computer system.

Legal authority: 47 USC 254; MCL 397.602, 397.606

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3100 General Operations

**3116-F-1 Agreement for Acceptable Use of Technology Resources Students
Grades K-[(elementary age)]**

Building/Program Name	Student Name
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I understand that I may be permitted to use the school's computers, electronic devices, and Internet at school and at home under the following school rules for computer and Internet use. I promise that:

- I will only use the computers, electronic devices, and Internet for schoolwork.
- I will only use the computers, electronic devices, and Internet as directed by my teacher or other school employee.
- I will not use the Internet to try to look at websites that I know are for adults only or that I know I should not access.
- If I accidentally access a website that I know I should not look at, I will tell my parent/guardian or teacher right away.
- If someone sends me something on the Internet that I know is inappropriate, I will tell my parent/guardian or teacher right away.
- I will not use the school's computers, electronic devices, or Internet to bully or harm any other person.
- If someone else uses the computers, electronic devices, or Internet to bully or harm me, I will tell my parent/guardian or teacher right away.
- I will not damage the school's computers, electronic devices, or cause problems with the computers, electronic devices, or Internet on purpose.
- I will give the school's computers and other electronic devices back to the school at the school's request.
- I will not use the school's computers, electronic devices, or Internet to cheat on my schoolwork.
- I will not copy anything that I see on the school's computers, electronic devices, or Internet and pretend that it is my own work.
- I will keep my password secret from everyone except my parent/guardian.
- I understand that the school can see everything that I do on the school's computers, electronic devices, and Internet.
- I understand that the school has filters on its computers, electronic devices, and Internet, which means I might not be able to see some information. I will not try to interfere with those filters.
- I will follow all of these rules. I will also follow any directions that my teacher or other school employee gives me about my use of the school's computers, electronic devices, or the Internet.

I understand that if I break any of these rules, I may be disciplined, and I may also lose my computer, electronic device, and Internet privileges.

Student Signature

Date

**3116-F-1 Agreement for Acceptable Use of Technology Resources Students
Grades K-[redacted] (elementary age)]**

I have read this Agreement and agree that as a condition of my child's use of the school's Technology Resources, which include: (1) internal and external network infrastructure, (2) Internet and network access, (3) computers, (4) servers, (5) storage devices, (6) peripherals, (7) software, and (8) messaging or communication systems, I release the school and its board members, agents, and employees, including its Internet Service Provider, from all liability related to my child's use or inability to use the Technology Resources. I also indemnify the school and its board members, agents, and employees, including its Internet Service Provider, for any fees, expenses, or damages incurred as a result of my child's use, or misuse, of the school's Technology Resources.

I have explained the rules listed above to my child.

I authorize the school to consent to the sharing of information about my child to website operators as necessary to enable my child to participate in any program, course, or assignment requiring such consent under the Children's Online Privacy Protection Act.

I understand that data my child sends or receives over the school's Technology Resources is not private. I consent to having the school monitor and inspect my child's use of the Technology Resources, including any electronic communications that my child sends or receives through the Technology Resources.

I understand that the school does not warrant or guarantee that its Technology Resources will meet any specific requirement or that they will be error free or uninterrupted; nor will the school be liable for any damages (including lost data, information, or time) sustained or incurred in connection with the use, operation, or inability to use the Technology Resources.

I agree that I will not copy, record, or share, or allow my child to copy, record, or share, any information sent to my child via the school's Technology Resources that includes personally identifiable information about any other child including, without limitation, videos, audio, documents, or other records that identify another student by name, voice, or likeness.

I understand and agree that my child will not be able to use the school's Technology Resources until this Agreement has been signed by both my child and me.

I agree that my child will return all Technology Resources to the school in good working order immediately on request and that I am responsible for any damage to the Technology Resources beyond normal wear and tear.

I have read this Agreement and agree to its terms.

Parent/Guardian Signature

Date

cc: parent/guardian, student file

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3100 General Operations

**3116-F-2 Agreement for Acceptable Use of Technology Resources
Middle School/High School**

Building/Program Name	User Name
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This Agreement is entered into on: _____

This Agreement is between _____ (“Student” or “User”)
and _____ (“school”).

The purpose of this Agreement is to grant access to and define acceptable use of the school’s technology resources (“Technology Resources”).

Technology Resources are any type of instrument, device, machine, equipment, technology, or software that is capable of transmitting, acquiring, or intercepting any telephone, electronic, data, Internet, audio, video, or radio transmissions, signals, telecommunications, or services and include without limitation: (1) internal and external network infrastructure, (2) Internet and network access, (3) computers, (4) servers, (5) storage devices, (6) peripherals, (7) software, and (8) messaging or communication systems.

In exchange for the use of the school’s Technology Resources either at school or away from school, you understand and agree to the following:

- A. Your use of the school’s Technology Resources is a privilege that may be revoked by the school at any time and for any reason.
- B. You have no expectation of privacy when using the school’s Technology Resources. The school reserves the right to monitor and inspect all use of its Technology Resources, including, without limitation, personal email and voicemail communications, computer files, databases, web logs, audit trails, or any other electronic transmissions accessed, distributed, or used through the Technology Resources. The school also reserves the right to remove any material from the Technology Resources that the school, in its sole discretion, chooses to including, without limitation, any information that the school determines to be unlawful, obscene, pornographic, harassing, intimidating, disruptive, or that otherwise violates this Agreement.
- C. The Technology Resources do not provide you a “public forum.” You may not use the Technology Resources for commercial purposes or for political positions or candidates unless expressly authorized in advance by a teacher or administrator as part of a class project or activity. You may, however, use the Technology

**3116-F-2 Agreement for Acceptable Use of Technology Resources
Middle School/High School**

Resources to contact or communicate with public officials provided you follow all other rules.

- D. The school's Technology Resources are intended for use only by registered users. You are responsible for your account/password and any access to the Technology Resources made using your account/password. Any damage or liability arising from the use of your account/password is your responsibility. Use of your account by someone other than you is prohibited and may be grounds for suspension from the Technology Resources and other disciplinary consequences for both you and the person(s) using your account/password. Likewise, using or accessing another person's account is prohibited and may be grounds for suspension from the Technology Resources and other disciplinary consequences for both you and the person whose account or password you used or accessed.
- E. You may not use the Technology Resources to engage in bullying, including cyberbullying. Bullying and cyberbullying are defined as:

Any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely, to harm one or more pupils either directly or indirectly by doing any of the following:

1. Substantially interfering with educational opportunities, benefits, or programs of one or more pupils;
2. Adversely affecting the ability of a pupil to participate in or benefit from the educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress;
3. Having an actual and substantial detrimental effect on a pupil's physical or mental health; or
4. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Use of other communication/messaging devices (including devices not owned by the school) to engage in bullying or cyberbullying may be grounds for discipline under the school's student code of conduct.

- F. If you misuse the Technology Resources, your access to the Technology Resources may be suspended and you may be subject to other disciplinary action, up to and including expulsion. Misuse includes, but is not limited to:
1. Accessing or attempting to access material that is "harmful to minors." Material that is "harmful to minors" includes any picture, image, graphic image file, or other visual depiction that: (1) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (2) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (3)

**3116-F-2 Agreement for Acceptable Use of Technology Resources
Middle School/High School**

- taken as a whole lacks serious literary, artistic, political, or scientific value as to minors.
2. Accessing or attempting to access material that is unlawful, obscene, pornographic, profane, or vulgar.
 3. Accessing or attempting to access material that is inappropriate for minors. Material that is inappropriate for minors includes all material described in Sections F.1 and F.2 of this Agreement as well as [Insert any additional language from Board Policy or applicable student handbook].
 4. Bullying and cyberbullying (as defined in paragraph E).
 5. Sexting, which includes, without limitation, possessing, sending, or distributing nude, sexually explicit, or sexually suggestive photographs, videos, or other visual depictions of yourself or another person.
 6. Vandalism, which includes, without limitation, any malicious or intentional attempt to harm, steal, destroy, or disrupt user data, school material, or school hardware or software.
 7. Hacking, which includes, without limitation, gaining or attempting to gain access to, modifying, or obtaining copies of information belonging to others or information you are not authorized to access.
 8. Unauthorized copying or use of licenses or copyrighted software.
 9. Plagiarizing, which includes the unauthorized distributing, copying, using, or holding out as your own, material that was written or created by someone else, without permission of, and attribution to, the author/creator.
 10. Posting or distributing confidential or inappropriate information meant to harass, intimidate, or embarrass others.
 11. Allowing someone else to use your account or password or not preventing unauthorized access to Technology Resources when leaving them unattended.
 12. Using or soliciting the use of or attempting to use or discover the account information or password of another user.
 13. Attempting to or successfully disabling security features, including technology protection measures required under the Children's Internet Protection Act ("CIPA").
 14. Misusing equipment or altering system software without permission.
 15. Commercial for-profit activities, advertising, political lobbying, or sending mass mailings or spam. You may contact a public official, however, to express an opinion on a topic of interest.

**3116-F-2 Agreement for Acceptable Use of Technology Resources
Middle School/High School**

16. Copying, recording, or sharing any information received or obtained via the school's Technology Resources that includes personally identifiable information about any other student including, without limitation, videos, audio, documents, or other records that identify another student by name, voice, or likeness.
17. Using the Technology Resources in any way that violates any federal, state, or local law or rule, Policy, or the school's codes of conduct, or student handbooks.
- G. You must promptly disclose to your parent/guardian or teacher any content you view or receive over the Technology Resources that is inappropriate or that makes you feel uncomfortable, harassed, threatened, or bullied, or that contains sexually explicit content. You should not delete such content until instructed to do so by a school employee.
- H. It is the policy of the school, as a recipient of certain federal funds, to monitor the online activities of its minor students and provide technology protection measures on its computers with Internet access designed to prevent minors from accessing visual depictions that are: (1) obscene, (2) child pornography, or (3) harmful to minors.
- I. It is the policy of the school to prohibit its minor students from: (1) accessing inappropriate matter on the Internet; (2) engaging in hacking or other unlawful online activities; and (3) accessing materials that are harmful to minors. It is also the policy of the school to educate students about cyberbullying awareness and response and about appropriate online behavior, including disclosing, disseminating, or using personal information and safely and appropriately interacting with other individuals in social networking websites, chat rooms, by email, and other forms of direct electronic communications.
- J. The school does not guarantee that measures described in paragraphs H and I will provide any level of safety or security or that they will successfully block all inappropriate material from the school's students. You agree that you will not intentionally engage in any behavior that was intended to be prevented by paragraphs H and I.
- K. The school does not warrant or guarantee that its Technology Resources will meet any specific requirement or that they will be error free or uninterrupted; nor will the school be liable for any damages (including lost data, information, or time) sustained or incurred in connection with the use, operation, or inability to use the Technology Resources.
- L. You will return all Technology Resources to the school in good working order immediately on request.
- M. You are responsible for the proper use of the Technology Resources and will be held accountable for any damage to or replacement of the Technology Resources caused by your inappropriate use.

**3116-F-2 Agreement for Acceptable Use of Technology Resources
Middle School/High School**

I agree to follow this Agreement and all rules and regulations that may be added from time to time by the school or its Internet Service Provider. I also agree to follow all rules in the applicable student code of conduct and handbook. As a condition of using the Technology Resources, I agree to release the school and its board members, agents, and employees, including its Internet Service Provider, from all liability related to my use or inability to use the Technology Resources.

I understand that data I send or receive over the Technology Resources is not private. I consent to having the school monitor and inspect my use of the Technology Resources, including any electronic communications that I send or receive through the Technology Resources.

I have read this Acceptable Use Agreement and agree to its terms.

Student Signature

Date

**3116-F-2 Agreement for Acceptable Use of Technology Resources
Middle School/High School**

I have read this Agreement and agree that as a condition of my child's use of the Technology Resources, I release the school and its board members, agents, and employees, including its Internet Service Provider, from all liability related to my child's use or inability to use the Technology Resources. I also indemnify the school and its board members, agents, and employees, including its Internet Service Provider, for any fees, expenses, or damages incurred as a result of my child's use, or misuse, of the school's Technology Resources.

I authorize the school to consent to the sharing of information about my child to website operators as necessary to enable my child to participate in any program, course, or assignment requiring such consent under the Children's Online Privacy Protection Act.

I understand that data my child sends or receives over the Technology Resources is not private. I consent to having the school monitor and inspect my child's use of the Technology Resources, including any electronic communications that my child sends or receives through the Technology Resources.

I agree that I will not copy, record, or share, or allow my child to copy, record, or share, any information sent to my child via the school's Technology Resources that includes personally identifiable information about any other child including, without limitation, videos, audio, or documents that identify another student by name, voice, or likeness.

I agree that my child will return all Technology Resources to the school in good working order immediately on request and that I am responsible for any damage to the Technology Resources beyond normal wear and tear.

I understand and agree that my child will not be able to use the school's Technology Resources until this Agreement has been signed by both my child and me.

I have read this Acceptable Use Agreement and agree to its terms.

Parent/Guardian Signature

Date

cc: parent/guardian, student file

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3117 Intellectual Property

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

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

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operation, Finance, and Property

3100 General Operations

3118 Title IX Sexual Harassment

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

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

The Board directs the Superintendent or designee to designate one or more employees who meet the training requirements in Section M of this Policy to serve as the District's Title IX Coordinator(s). The Title IX Coordinator will designate an Investigator, Decision-Maker, and Appeals Officer, if applicable, for each Formal Complaint made under this Policy. If a Formal Complaint is made under this Policy against the Title IX Coordinator, the Board President will designate the persons who will serve as the Investigator, Decision-Maker, and Appeals Officer and will work with District administrators to ensure that all other requirements of this Policy are met.

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

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

A. Definitions

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

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

- a. A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
 - c. Sexual assault, dating violence, domestic violence, or stalking, as defined by the Violence Against Women Act, 34 USC § 12291 et. seq., and the uniform crime reporting system of the Federal Bureau of Investigation, 20 USC 1092(f)(6)(A)(v).
 - i. "Sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - ii. "Dating violence" means violence committed by a person who is or has been in a romantic or intimate relationship with the Complainant. The existence of such a relationship is based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - iii. "Domestic violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, person with whom the Complainant shares a child, person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan; or any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan.
 - iv. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.
2. "Actual Knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only District employee with actual knowledge is the Respondent.
 3. "Appeals Officer" is the person designated by the District to handle appeals of a dismissal or determination of responsibility for matters investigated under this Policy. The Appeals Officer may not be the same person as the Investigator, Title IX Coordinator, Decision-Maker, or person designated to facilitate an informal resolution process on a specific matter.

4. “Complainant” is a person who is alleged to be the victim of conduct that could constitute Title IX sexual harassment.
5. “Consent” means a voluntary agreement to engage in sexual activity by a person legally capable of consenting. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent. Sexual conduct or relationships between District employees, volunteers, or contractors and students, regardless of age or consent, are prohibited.
6. “Day,” unless otherwise indicated, means a day that the District’s central office is open for business.
7. “Decision-Maker” is the person designated by the District to review the investigation report and provide a written determination of responsibility that provides the evidentiary basis for the Decision-Maker’s conclusions. The Decision-Maker may not be the same person as the Investigator, Title IX Coordinator, Appeals Officer, or person designated to facilitate an informal resolution process on a specific matter.
8. “Education Program or Activity” means any location, event, or circumstance over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred.
9. “Formal Complaint” means a written document or electronic submission signed and filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the sexual harassment allegation.
10. “Grievance Process” is the process by which the District handles Formal Complaints.
11. “Investigator” is the person designated by the District to investigate a Title IX Formal Complaint. The Investigator cannot be the same person as the Decision-Maker, Appeals Officer, or person designated to facilitate an informal resolution process on a specific matter. The Title IX Coordinator may serve as the Investigator on a particular investigation, unless the Title IX Coordinator signed the Formal Complaint.
12. “Report” means an account of alleged Title IX sexual harassment made by any person (regardless of whether the reporting party is the alleged victim).
13. “Respondent” is a person who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment.

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

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

B. Posting Requirement

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

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

C. Designation of Title IX Coordinator

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

Joshua Rothwell, Superintendent
7741 Shippy Rd SW
Fife Lake, MI 49633
(231) 369 - 4191
jrothwell@forestarea.org

D. Reporting Title IX Sexual Harassment:

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

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

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

E. General Response to Sexual Harassment

1. District's Obligation to Respond without Deliberate Indifference

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

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

2. Response to Report of Title IX Sexual Harassment

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

3. Formal Complaint Filed

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

4. Equitable Treatment

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

5. Documentation and Recordkeeping

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

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

6. Supportive Measures

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

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

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

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

Supportive measures may include, but are not limited to:

- a. District-provided counseling;
- b. Course-related adjustments, such as deadline extensions;
- c. Modifications to class or work schedules;
- d. Provision of an escort to ensure that the Complainant and Respondent can safely attend classes and school activities; and
- e. No-contact orders.

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

7. Respondent Removal

- a. Emergency Removal (Student)

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

b. Administrative Leave (Employee)

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

8. Law Enforcement

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

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

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

F. Grievance Process

1. Generally

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

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

Respondents generally or for or against an individual Complainant or Respondent.

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

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

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

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

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

2. Notice of Allegations

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

- a. A copy of this Policy, which includes the District’s Grievance Process, and any informal resolution process;
- b. The sexual harassment allegations, including sufficient details known at the time and with sufficient time so that parties may prepare a response before the initial interview. Sufficient details include parties involved in the incident, if known; the alleged conduct constituting sexual harassment; and the date and time of the alleged incident;
- c. A statement that the Respondent is presumed not responsible for the alleged conduct;
- d. A statement that a determination of responsibility is made at the Grievance Process’s conclusion;

- e. A statement that the parties may have an advisor of their choice, who may be an attorney, although any attorney or advisor who is not a District employee will be at the party's own cost;
- f. A statement that the parties will be provided an opportunity to inspect and review any evidence before the investigation report is finalized; and
- g. If the Complainant or Respondent is a student, and the District's Student Code of Conduct addresses false statements by students during the disciplinary process, a citation to that portion of the Code of Conduct. If the Code of Conduct does not address false statements by students, the notice is not required to include any reference.

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

3. Informal Resolution

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

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

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

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

When offering informal resolution, the Title IX Coordinator must (1) provide both parties written notice of their rights in an informal resolution; and (2) obtain written, voluntary consent from both parties to enter into the informal resolution process. The written notice must contain the:

- a. Allegations;
- b. Informal resolution requirements, including the circumstances under which the informal resolution precludes the parties from resuming a Formal Complaint arising from the same allegations;
- c. Right to withdraw from informal resolution and resume the Grievance Process at any time prior to agreeing to a resolution; and

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

4. Investigation

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

a. Investigation Process

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

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

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

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

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

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

The Investigator must ensure that the Complainant and Respondent have an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party has the opportunity to meaningfully

respond to the evidence before the investigation's conclusion. This evidence includes (1) evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and (2) inculpatory or exculpatory evidence obtained from any source.

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

b. Investigation Report

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

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

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

5. Determination of Responsibility

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

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

- a. Afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness; and
- b. Provide each party with the answers, and allow for additional, limited follow-up questions from each party.

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

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

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

- a. Identification of the sexual harassment allegations;
- b. Description of the procedural steps taken from the receipt of the Formal Complaint through the determination of responsibility, including any:
 - i. Notification to the parties;
 - ii. Party and witness interviews;
 - iii. Site visits;
 - iv. Methods used to collect evidence; and
 - v. Hearings held.
- c. Factual findings that support the determination;
- d. Conclusions about the application of any relevant code of conduct, policy, law, or rule to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including:
 - i. A determination of responsibility;
 - ii. Any disciplinary action taken against the Respondent (consistent with Policies 4309, 4407, 4506, 4606, or 5206, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts); and
 - iii. Whether remedies designed to restore and preserve equal access to the District's education program or activity will be provided to the Complainant.
- f. Appeal rights

6. Appeals

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

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

- a. A procedural irregularity that affected the outcome.
- b. New evidence that was not reasonably available at the time the determination of responsibility or dismissal decision was made that could affect the outcome.
- c. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.

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

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

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

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

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

G. Dismissal

1. Mandatory Dismissals

The Title IX Coordinator must dismiss a Formal Complaint if:

- a. The Formal Complaint's allegations, even if proven, would not constitute sexual harassment as defined in this Policy;
- b. The Formal Complaint's allegations did not occur in the District's programs or activities; or
- c. The Formal Complaint's allegations did not occur in the United States.

2. Discretionary Dismissals

The Title IX Coordinator may dismiss a Formal Complaint if:

- a. The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint in whole or in part;
- b. The Respondent's enrollment or employment ends; or
- c. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination (e.g., several years have passed between alleged misconduct and Formal Complaint filing, Complainant refuses or ceases to cooperate with Grievance Process).

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

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

H. Consolidation of Complaints

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

I. Remedies

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

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

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

7. Providing counseling memoranda with directives or recommendations;
8. Imposing discipline consistent with District Policy, as applicable, and any applicable codes of conduct, handbooks, collective bargaining agreements, or individual employee contracts.

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

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

1. Assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;
2. Additional staff training;
3. A climate survey; or
4. Letters to students, staff, and parents/guardians reminding persons of their obligations under this Policy and applicable handbooks.

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

J. False Statements

Any person who knowingly makes a materially false statement in bad faith in a Title IX investigation will be subject to discipline, up to and including discharge or permanent expulsion. A dismissal or determination that the Respondent did not violate this Policy is not sufficient, on its own, to conclude that a person made a materially false statement in bad faith.

K. Confidentiality

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

L. Retaliation

Retaliation (e.g., intimidation, threats, coercion) for the purpose of interfering with a person's rights under Title IX is prohibited. This prohibition applies to retaliation against any person who makes a report, files a Formal Complaint, or participates

in, or refuses to participate in a Title IX proceeding. Complaints alleging retaliation may be pursued in accordance with District Policy.

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

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

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

M. Training

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

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

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

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

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

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

N. Record Keeping

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

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

O. Office for Civil Rights

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

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

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

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operation, Finance, and Property

3100 General Operations

3118-F-1 Title IX Sexual Harassment Formal Complaint Form

District Letterhead

This form is being submitted by: Complainant Title IX Coordinator

Complainant Name: _____

Address: _____

Phone: _____ Email: _____

If the Complainant is a student:

Date of Birth: _____ Grade: _____

School Building Attending: _____

If the Complainant is an employee:

Job Title: _____ Building: _____

Complaint Details

Reporter's Name (if different than Complainant): _____

Reporter's Relationship to Complainant: _____

Reporter's Address: _____

Reporter's Phone: _____ Reporter's Email: _____

1. Describe the alleged sexual harassment that you are requesting the District investigate. Please be specific. Describe the incident(s) and identify the individuals and potential witnesses involved. Describe or attach any evidence you believe is relevant. Attach additional pages if needed.

3118-F-1 Title IX Sexual Harassment Formal Complaint Form

2. Describe the date/time/location(s) of the alleged incident(s).

3. What would you like the District to do to remedy the situation?

Complainant's/Coordinator's Signature

Date

Please submit this form to:

Joshua Rothwell
Superintendent
Forest Area Community Schools
7741 Shippy Rd SW
Fife Lake, MI 49633
jrothwell@forestarea.org
(231) 369-4191

A person alleging discrimination by the District on the basis of sex may file a complaint through the District's grievance procedure. A complaint may also be filed at any time with the Office for Civil Rights (OCR), U.S. Department of Education, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115. Filing a complaint with the District is not a prerequisite to filing with OCR. For additional information about the District's grievance procedure, please contact the Title IX Coordinator identified above.

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3118-F-1 Title IX Sexual Harassment Formal Complaint Form

District Letterhead

This form is being submitted by: Complainant Title IX Coordinator

Complainant Name: _____

Address: _____

Phone: _____ Email: _____

If the Complainant is a student:

Date of Birth: _____ Grade: _____

School Building Attending: _____

If the Complainant is an employee:

Job Title: _____ Building: _____

Complaint Details

Reporter's Name (if different than Complainant): _____

Reporter's Relationship to Complainant: _____

Reporter's Address: _____

Reporter's Phone: _____ Reporter's Email: _____

1. Describe the alleged sexual harassment that you are requesting the District investigate. Please be specific. Describe the incident(s) and identify the individuals and potential witnesses involved. Describe or attach any evidence you believe is relevant. Attach additional pages if needed.

3118-F-1 Title IX Sexual Harassment Formal Complaint Form

2. Describe the date/time/location(s) of the alleged incident(s).

3. What would you like the District to do to remedy the situation?

Complainant's/Coordinator's Signature

Date

Please submit this form to:

Joshua Rothwell
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3118-F-2 Title IX Documentation of Supportive Measures Form – Internal Form

Supportive measures are non-disciplinary, non-punitive, individualized services offered and implemented by the Title IX Coordinator at no cost to the Complainant and the Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter sexual harassment. If the District does not provide a Complainant with supportive measures, the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

This form must be completed by the Title IX Coordinator.

Complainant Name: _____

Respondent Name: _____

Report Date: _____ Formal Complaint Date (If Applicable): _____

1. Supportive measures offered to Complainant (include description and date):

2. Supportive measures offered to Respondent (include description and date):

3118-F-2 Title IX Documentation of Supportive Measures Form

3. Supportive measures rejected by either party:

4. If a determination was made that supportive measures are not required, explain the rationale for that determination:

Title IX Coordinator Signature

Date

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3118-F-2 Title IX Documentation of Supportive Measures Form – Internal Form

Supportive measures are non-disciplinary, non-punitive, individualized services offered and implemented by the Title IX Coordinator at no cost to the Complainant and the Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter sexual harassment. If the District does not provide a Complainant with supportive measures, the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

This form must be completed by the Title IX Coordinator.

Complainant Name: _____

Respondent Name: _____

Report Date: _____ Formal Complaint Date (If Applicable): _____

1. Supportive measures offered to Complainant (include description and date):

2. Supportive measures offered to Respondent (include description and date):

3118-F-2 Title IX Documentation of Supportive Measures Form

3. Supportive measures rejected by either party:

4. If a determination was made that supportive measures are not required, explain the rationale for that determination:

Title IX Coordinator Signature

Date

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3118-F-3 Title IX Formal Complaint Notice Letter

Upon receipt of a Formal Complaint, the District must provide written notice to the Complainant(s) and Respondent(s). The Notice Letter must include all of the information contained in this template letter. Each party must receive a Notice Letter that is substantially similar in content.

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Notice of Title IX Investigation/[Complainant or Respondent]

Dear [Name]:

On [Date], the District received a report that [Respondent's Name], who is a District [Student/Employee/Volunteer/Contractor] allegedly engaged in sexual harassment, as defined by the District's Title IX Sexual Harassment Policy, against [Complainant's Name]. Specifically, [Describe Alleged Sexual Harassment - Include Identity of Parties Involved]. Allegedly, [Respondent's Name]'s conduct occurred at [Location, if known] on or around [Date/Time, if known].

[Choose Option 1 or 2.]

[(Option 1 - If law enforcement has opened its own investigation) The District will cooperate with [Law Enforcement Agency Name] as it conducts an investigation into the allegations. The District will also, in accordance with Title IX, conduct an independent investigation into these allegations and will provide notice of additional allegations if any emerge.]

[(Option 2 - No law enforcement involvement yet.)The District has opened a Title IX investigation into these allegations and will provide notice of additional allegations if any emerge.]

Pursuant to federal law, during the pendency of the investigation, [Respondent's Name] is presumed not responsible for the alleged conduct.

The Complainant and Respondent are permitted, but are not required, to each have an advisor of their choice, such as an attorney or other representative, during the Title IX Grievance Process. If you intend to have an advisor assist in this process, please provide me with the advisor's contact information as soon as practicable.

3118-F-3 Title IX Formal Complaint Notice Letter

During the investigation, the District will provide the following supportive measures to [Complainant's/Respondent's Name]:

[Describe Supportive Measures directly related to Party to whom Notice Letter is addressed. Supportive Measures must be kept confidential to the extent possible and should only be shared with another party if they directly relate to both parties (i.e., both parties informed of no contact order, but not of counseling to other party).]

[(NOTE: Include only if Supportive Measures were Rejected) The District offered [Identify supportive measures that were rejected] as supportive measures for [Complainant's/Respondent's Name], which were declined.]

The District is also willing to discuss other supportive measures that you believe are necessary. Please contact me to discuss the need for additional supports.

A detailed description of the District's Title IX Grievance Process can be found in the District's Title IX Policy, which is available at: [Insert link to Policy]. A hard copy of the Policy is attached.

The Investigator will reach out to you separately to schedule an interview.

All parties will have an opportunity to inspect and review all evidence before the investigation report is finalized. At the conclusion of the Grievance Process, a Decision-Maker will provide all parties with a written determination of responsibility.

The District's Title IX Policy also details the District's informal resolution process. If you are interested in pursuing informal resolution, please contact me.

[NOTE: If Complainant/Respondent is a student and if the District's Student Code of Conduct includes a prohibition on false statements, then include the following language: As a reminder, the District's Student Code of Conduct prohibits students from making false statements or submitting false statements during this investigation.]

The District prohibits retaliation against any person who reports or files a sexual harassment complaint or who cooperates in the investigation of such a complaint. Retaliation can result in disciplinary action up to and including discharge or expulsion. Retaliation allegations should be reported to the Title IX Coordinator.

If you have any questions about this process, please do not hesitate to contact me.

Sincerely,

Joshua T. Rothwell

Enclosure: [District's Title IX Sexual Harassment Policy]

Series 3000: Operation, Finance, and Property

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3118-F-3 Title IX Formal Complaint Notice Letter

Upon receipt of a Formal Complaint, the District must provide written notice to the Complainant(s) and Respondent(s). The Notice Letter must include all of the information contained in this template letter. Each party must receive a Notice Letter that is substantially similar in content.

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Notice of Title IX Investigation/[Complainant or Respondent]

Dear [Name]:

On [Date], the District received a report that [Respondent's Name], who is a District [Student/Employee/Volunteer/Contractor] allegedly engaged in sexual harassment, as defined by the District's Title IX Sexual Harassment Policy, against [Complainant's Name]. Specifically, [Describe Alleged Sexual Harassment - Include Identity of Parties Involved]. Allegedly, [Respondent's Name]'s conduct occurred at [Location, if known] on or around [Date/Time, if known].

[Choose Option 1 or 2.]

[(Option 1 - If law enforcement has opened its own investigation) The District will cooperate with [Law Enforcement Agency Name] as it conducts an investigation into the allegations. The District will also, in accordance with Title IX, conduct an independent investigation into these allegations and will provide notice of additional allegations if any emerge.]

[(Option 2 - No law enforcement involvement yet.)The District has opened a Title IX investigation into these allegations and will provide notice of additional allegations if any emerge.]

Pursuant to federal law, during the pendency of the investigation, [Respondent's Name] is presumed not responsible for the alleged conduct.

The Complainant and Respondent are permitted, but are not required, to each have an advisor of their choice, such as an attorney or other representative, during the Title IX Grievance Process. If you intend to have an advisor assist in this process, please provide me with the advisor's contact information as soon as practicable.

3118-F-3 Title IX Formal Complaint Notice Letter

During the investigation, the District will provide the following supportive measures to [Complainant's/Respondent's Name]:

[Describe Supportive Measures directly related to Party to whom Notice Letter is addressed. Supportive Measures must be kept confidential to the extent possible and should only be shared with another party if they directly relate to both parties (i.e., both parties informed of no contact order, but not of counseling to other party).]

[(NOTE: Include only if Supportive Measures were Rejected) The District offered [Identify supportive measures that were rejected] as supportive measures for [Complainant's/Respondent's Name], which were declined.]

The District is also willing to discuss other supportive measures that you believe are necessary. Please contact me to discuss the need for additional supports.

A detailed description of the District's Title IX Grievance Process can be found in the District's Title IX Policy, which is available at: [Insert link to Policy]. A hard copy of the Policy is attached.

The Investigator will reach out to you separately to schedule an interview.

All parties will have an opportunity to inspect and review all evidence before the investigation report is finalized. At the conclusion of the Grievance Process, a Decision-Maker will provide all parties with a written determination of responsibility.

The District's Title IX Policy also details the District's informal resolution process. If you are interested in pursuing informal resolution, please contact me.

[NOTE: If Complainant/Respondent is a student and if the District's Student Code of Conduct includes a prohibition on false statements, then include the following language: As a reminder, the District's Student Code of Conduct prohibits students from making false statements or submitting false statements during this investigation.]

The District prohibits retaliation against any person who reports or files a sexual harassment complaint or who cooperates in the investigation of such a complaint. Retaliation can result in disciplinary action up to and including discharge or expulsion. Retaliation allegations should be reported to the Title IX Coordinator.

If you have any questions about this process, please do not hesitate to contact me.

Sincerely,

[Title IX Coordinator]

Enclosure: [District's Title IX Sexual Harassment Policy]

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3118-F-4 Title IX Notice of Additional Allegations Letter

New or additional allegations may arise during the course of an investigation. If the Investigator decides to investigate allegations that were not included in the initial Notice Letter, this Notice of Additional Allegations must be provided to the Complainant(s) and Respondent(s).

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Notice of Additional Allegations during Title IX Investigation

Dear [Name]:

On [Insert Date], you were notified that the District initiated a Title IX investigation into allegations that [Describe original allegations and identify parties] at [Insert location, if known] on or around [Insert date, if known].

In the course of our investigation, we received additional allegations that [Describe specific new allegations and identify parties] at [Insert location, if known] on or around [Insert date, if known].

[Choose Option 1 or 2.]

[Option 1 - Because they arise out of the same facts and circumstances as the original allegation(s), the new allegation(s) will be consolidated with the original allegations. A determination of responsibility as to all allegations will be made as part of the current Grievance Process. You will have the same opportunity to review any evidence related to the new allegations as with the original allegations.]

[Option 2 - The District will respond to these new allegations pursuant to its Title IX Sexual Harassment Policy. A separate Grievance Process may be initiated if either a Complainant or the Title IX Coordinator files a Formal Complaint.]

During the pendency of this investigation, [Respondent's Name] is presumed not responsible for the conduct described in the new allegations.

[NOTE: New allegations may not require another interview.]

[Optional - As part of its investigation into these new allegations, the District would like to interview [Complainant's/Respondent's Name] on [Date].

3118-F-4 Title IX Notice of Additional Allegations Letter

[Complainant's/Respondent's Name] is entitled to bring an advisor of [his/her] choice, including an attorney, to the interview.]

If you have any questions about this process, please do not hesitate to contact me.

Sincerely,

Joshua T. Rothwell

Series 3000: Operation, Finance, and Property

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3118-F-4 Title IX Notice of Additional Allegations Letter

New or additional allegations may arise during the course of an investigation. If the Investigator decides to investigate allegations that were not included in the initial Notice Letter, this Notice of Additional Allegations must be provided to the Complainant(s) and Respondent(s).

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Notice of Additional Allegations during Title IX Investigation

Dear [Name]:

On [Insert Date], you were notified that the District initiated a Title IX investigation into allegations that [Describe original allegations and identify parties] at [Insert location, if known] on or around [Insert date, if known].

In the course of our investigation, we received additional allegations that [Describe specific new allegations and identify parties] at [Insert location, if known] on or around [Insert date, if known].

[Choose Option 1 or 2.]

[Option 1 - Because they arise out of the same facts and circumstances as the original allegation(s), the new allegation(s) will be consolidated with the original allegations. A determination of responsibility as to all allegations will be made as part of the current Grievance Process. You will have the same opportunity to review any evidence related to the new allegations as with the original allegations.]

[Option 2 - The District will respond to these new allegations pursuant to its Title IX Sexual Harassment Policy. A separate Grievance Process may be initiated if either a Complainant or the Title IX Coordinator files a Formal Complaint.]

During the pendency of this investigation, [Respondent's Name] is presumed not responsible for the conduct described in the new allegations.

[NOTE: New allegations may not require another interview.]

[Optional - As part of its investigation into these new allegations, the District would like to interview [Complainant's/Respondent's Name] on [Date].

3118-F-4 Title IX Notice of Additional Allegations Letter

[Complainant's/Respondent's Name] is entitled to bring an advisor of [his/her] choice, including an attorney, to the interview.]

If you have any questions about this process, please do not hesitate to contact me.

Sincerely,

[Title IX Coordinator]

Series 3000: Operation, Finance, and Property

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3118-F-5 Title IX Mandatory Dismissal Letter

The Title IX regulations require dismissal of a Formal Complaint in the situations outlined below. Mandatory dismissal under the regulations does not prohibit the District from investigating whether another school policy, rule, or law may have been violated or from issuing appropriate discipline based on the results of a misconduct investigation. Such an investigation is advisable in some circumstances – particularly where the Complainant is a student and the Respondent is an employee. Letters substantially similar to the following should be sent to the Complainant(s) and the Respondent(s).

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Mandatory Dismissal of Title IX Formal Complaint

Dear [Name]:

On [Date], the District received a Formal Complaint alleging a violation of the District's Title IX Sexual Harassment Policy. Upon further review, the Title IX regulations require dismissal of the Formal Complaint because (select all that apply):

- The allegations in the Formal Complaint, even if proven, would not constitute sexual harassment as defined in the District's Title IX Sexual Harassment Policy.
- The allegations did not occur in the school's programs or activities.
- The allegations did not occur in the United States.

A determination that the Title IX Formal Complaint must be dismissed does not prohibit the District from investigating whether another school policy, rule, or law may have been violated or from issuing appropriate discipline based on the results of the misconduct investigation.

You may appeal this dismissal by following the procedures outlined in the Appeals section of the District's Title IX Sexual Harassment Policy. That Policy is available at: [\[Insert link to policy\]](#).

The District strictly prohibits retaliation against an individual who filed a Title IX complaint or who cooperated in a Title IX investigation. If you believe that you were subject to retaliation, please promptly contact the District's Title IX Coordinator.

Sincerely,

Joshua T. Rothwell

jrothwell@forestarea.org

(231) 369-4191

3118-F-5 Title IX Mandatory Dismissal Letter

Series 3000: Operation, Finance, and Property

3100 General Operations

3118-F-5 Title IX Mandatory Dismissal Letter

The Title IX regulations require dismissal of a Formal Complaint in the situations outlined below. Mandatory dismissal under the regulations does not prohibit the District from investigating whether another school policy, rule, or law may have been violated or from issuing appropriate discipline based on the results of a misconduct investigation. Such an investigation is advisable in some circumstances – particularly where the Complainant is a student and the Respondent is an employee. Letters substantially similar to the following should be sent to the Complainant(s) and the Respondent(s).

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Mandatory Dismissal of Title IX Formal Complaint

Dear [Name]:

On [Date], the District received a Formal Complaint alleging a violation of the District's Title IX Sexual Harassment Policy. Upon further review, the Title IX regulations require dismissal of the Formal Complaint because (select all that apply):

- The allegations in the Formal Complaint, even if proven, would not constitute sexual harassment as defined in the District's Title IX Sexual Harassment Policy.
- The allegations did not occur in the school's programs or activities.
- The allegations did not occur in the United States.

A determination that the Title IX Formal Complaint must be dismissed does not prohibit the District from investigating whether another school policy, rule, or law may have been violated or from issuing appropriate discipline based on the results of the misconduct investigation.

You may appeal this dismissal by following the procedures outlined in the Appeals section of the District's Title IX Sexual Harassment Policy. That Policy is available at: [Insert link to policy].

The District strictly prohibits retaliation against an individual who filed a Title IX complaint or who cooperated in a Title IX investigation. If you believe that you were subject to retaliation, please promptly contact the District's Title IX Coordinator.

Sincerely,

[Title IX Coordinator Name]

[Title IX Coordinator Contact Information]

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3118-F-6 Title IX Discretionary Dismissal Letter

The Title IX regulations permit, but do not require, dismissal of a Formal Complaint in the situations outlined below. Discretionary dismissal under the regulations does not prohibit the District from investigating whether another school policy, rule, or law may have been violated or from issuing appropriate discipline based on the results of a misconduct investigation. Such an investigation is advisable in some circumstances – particularly where the Complainant is a student and the Respondent is an employee. Letters substantially similar to the following should be sent to the Complainant(s) and the Respondent(s).

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Dismissal of Title IX Formal Complaint

Dear [Name]:

On [Date], the District received a Formal Complaint alleging a violation of the District's Title IX Sexual Harassment Policy. Upon further review, the Title IX Formal Complaint should be dismissed because [select all that apply]:

- The Complainant notified the Title IX Coordinator in writing on [Date] that the Complainant wishes to withdraw the complaint, in whole or in part.
- The Respondent's [enrollment/employment] at the District has ended.
- The following circumstances prevent the District from gathering evidence sufficient to reach a determination: [describe specific circumstances, which may include, but are not limited to, situations where: (1) the Complainant refuses to participate in the Grievance Process but has not sent written notice withdrawing the complaint; or (2) the Respondent is not under the authority of the District and the District is unable to collect sufficient evidence to make a determination of responsibility.]

A determination that the Title IX Formal Complaint should be dismissed does not prohibit the District from investigating the complaint to determine whether another school policy, rule, or law may have been violated or from issuing appropriate discipline based on the results of the misconduct investigation.

You may appeal this dismissal by following the procedures outlined in the Appeals section of the District's Title IX Sexual Harassment Policy. That Policy is available at: [Insert link to policy].

3118-F-6 Title IX Discretionary Dismissal Letter

The District strictly prohibits retaliation against an individual who filed a Title IX complaint or who cooperated in a Title IX investigation. If you believe that you were subject to retaliation, please promptly contact the District's Title IX Coordinator.

Sincerely,

[Title IX Coordinator Name]

[Title IX Coordinator Contact Information]

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3118-F-6 Title IX Discretionary Dismissal Letter

The Title IX regulations permit, but do not require, dismissal of a Formal Complaint in the situations outlined below. Discretionary dismissal under the regulations does not prohibit the District from investigating whether another school policy, rule, or law may have been violated or from issuing appropriate discipline based on the results of a misconduct investigation. Such an investigation is advisable in some circumstances – particularly where the Complainant is a student and the Respondent is an employee. Letters substantially similar to the following should be sent to the Complainant(s) and the Respondent(s).

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Dismissal of Title IX Formal Complaint

Dear [Name]:

On [Date], the District received a Formal Complaint alleging a violation of the District's Title IX Sexual Harassment Policy. Upon further review, the Title IX Formal Complaint should be dismissed because [select all that apply]:

- The Complainant notified the Title IX Coordinator in writing on [Date] that the Complainant wishes to withdraw the complaint, in whole or in part.
- The Respondent's [enrollment/employment] at the District has ended.
- The following circumstances prevent the District from gathering evidence sufficient to reach a determination: [describe specific circumstances, which may include, but are not limited to, situations where: (1) the Complainant refuses to participate in the Grievance Process but has not sent written notice withdrawing the complaint; or (2) the Respondent is not under the authority of the District and the District is unable to collect sufficient evidence to make a determination of responsibility.]

A determination that the Title IX Formal Complaint should be dismissed does not prohibit the District from investigating the complaint to determine whether another school policy, rule, or law may have been violated or from issuing appropriate discipline based on the results of the misconduct investigation.

You may appeal this dismissal by following the procedures outlined in the Appeals section of the District's Title IX Sexual Harassment Policy. That Policy is available at: [Insert link to policy].

3118-F-6 Title IX Discretionary Dismissal Letter

The District strictly prohibits retaliation against an individual who filed a Title IX complaint or who cooperated in a Title IX investigation. If you believe that you were subject to retaliation, please promptly contact the District's Title IX Coordinator.

Sincerely,

Joshua T. Rothwell
jrothwell@forestarea.org

(231) 369-4191

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3118-F-7 Title IX Investigation Report Checklist – For Internal Use Only!

The investigation report must fairly summarize the relevant evidence gathered during the investigation. It should be in narrative form and include the information in this checklist to provide the Decision-Maker sufficient information to make a responsibility determination and to comply with Title IX requirements. The checklist is not designed to limit the scope of any investigation.

Complainant's Information

- Complainant's name. If student: age, grade level, and building. If employee: job title and building.
- Name of Complainant's advisor (if any).

Respondent's Information

- Respondent's name. If student: age, grade level, and building. If employee: job title and building.
- Name of Respondent's advisor (if any).

Investigator's Information

- Investigator's name, title, and training verification.
- Statement that investigator does not have a conflict of interest or bias against either party, generally or individually, that affected the investigation.

Relevant Chronology (including, but not limited to)

- Date formal complaint filed/signed by Complainant or Title IX Coordinator.
- Date investigation initiated.
- Dates Complainant(s) and Respondent(s) were notified of interviews.
- Date evidence was submitted to parties/advisors for review.
- Date each party's response to evidence was due and whether any response was received.
- Date investigation report submitted to Decision-Maker.

Nature of the Allegations

- Describe each allegation, including date, time, place, and nature of the incident(s).
- If investigation revealed additional allegations not in original notice to the parties and investigator decides to investigate those allegations, identify the date notice of additional allegations was given to parties and describe additional allegations.
- If additional allegations are made or discovered and are not included in investigation, state basis for decision not to investigate.

Fact-finding Activities

- Summarize Complainant's and Respondent's interview; note interview dates and who attended (e.g., advisor, parent, attorney, or other representative).

3118-F-7 Title IX Investigation Report Checklist

- Identify any other contacts with Complainant, Respondent, or their advisors (include date, purpose, and contact method).
- Summarize all other witness interviews; note interview dates and who attended.
- Identify and describe any relevant evidence, including which party submitted the evidence or how it was obtained if not through a party.
- Describe any other fact-finding as part of the investigation (e.g., site visits, record review, video review, or hearing).

Evidence Review

- Before completing investigation report, send hard or electronic copies of all evidence to Complainant, Respondent, and respective advisors, if any, for review. *Each party has 10 calendar days to review evidence and submit a written response to the Investigator.*
- Summarize any written response(s) received.
- Consider any written response(s) received before completing the investigation report.
- Describe how, if at all, the written response(s) affected your investigation, including a description of any additional investigation conducted as a result of the written response(s) (e.g., additional witness interviews, materials reviewed, or investigatory steps taken).

Findings of Fact

- Make specific findings of fact based on full investigation. *Findings of fact will be reviewed by the Decision-Maker. The investigator does not make a determination of responsibility (i.e., whether a policy was violated or whether harassment occurred). The investigator should, however, make credibility determinations, where applicable.*
- Do not consider a party's medical or psychological records without the party's written consent (or, in the case of a student, parent/guardian consent).

General Tips for Investigation Report

- Ensure each party has equal opportunity to submit evidence.
- Cite standard of review (e.g., preponderance of evidence).
- Note presumption that Respondent is not responsible.
- Cite applicable Board policies and code of conduct provisions.
- Ensure report is clear, concise, and complete.
- Assume final report may be released by either party
- Make findings of fact necessary for Decision-Maker to make determination of responsibility.

Delivery of Investigation Report

- Send finalized investigation report to Title IX Coordinator, Decision-Maker, Complainant, and Respondent at least 10 calendar days after the parties were sent all evidence to inspect and review.
- Inform parties that they may, but are not required to, submit written questions of any party or witness to the Decision-Maker.

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3118-F-7 Title IX Investigation Report Checklist – For Internal Use Only!

The investigation report must fairly summarize the relevant evidence gathered during the investigation. It should be in narrative form and include the information in this checklist to provide the Decision-Maker sufficient information to make a responsibility determination and to comply with Title IX requirements. The checklist is not designed to limit the scope of any investigation.

Complainant's Information

- Complainant's name. If student: age, grade level, and building. If employee: job title and building.
- Name of Complainant's advisor (if any).

Respondent's Information

- Respondent's name. If student: age, grade level, and building. If employee: job title and building.
- Name of Respondent's advisor (if any).

Investigator's Information

- Investigator's name, title, and training verification.
- Statement that investigator does not have a conflict of interest or bias against either party, generally or individually, that affected the investigation.

Relevant Chronology (including, but not limited to)

- Date formal complaint filed/signed by Complainant or Title IX Coordinator.
- Date investigation initiated.
- Dates Complainant(s) and Respondent(s) were notified of interviews.
- Date evidence was submitted to parties/advisors for review.
- Date each party's response to evidence was due and whether any response was received.
- Date investigation report submitted to Decision-Maker.

Nature of the Allegations

- Describe each allegation, including date, time, place, and nature of the incident(s).
- If investigation revealed additional allegations not in original notice to the parties and investigator decides to investigate those allegations, identify the date notice of additional allegations was given to parties and describe additional allegations.
- If additional allegations are made or discovered and are not included in investigation, state basis for decision not to investigate.

Fact-finding Activities

- Summarize Complainant's and Respondent's interview; note interview dates and who attended (e.g., advisor, parent, attorney, or other representative).

3118-F-7 Title IX Investigation Report Checklist

- Identify any other contacts with Complainant, Respondent, or their advisors (include date, purpose, and contact method).
- Summarize all other witness interviews; note interview dates and who attended.
- Identify and describe any relevant evidence, including which party submitted the evidence or how it was obtained if not through a party.
- Describe any other fact-finding as part of the investigation (e.g., site visits, record review, video review, or hearing).

Evidence Review

- Before completing investigation report, send hard or electronic copies of all evidence to Complainant, Respondent, and respective advisors, if any, for review. *Each party has 10 calendar days to review evidence and submit a written response to the Investigator.*
- Summarize any written response(s) received.
- Consider any written response(s) received before completing the investigation report.
- Describe how, if at all, the written response(s) affected your investigation, including a description of any additional investigation conducted as a result of the written response(s) (e.g., additional witness interviews, materials reviewed, or investigatory steps taken).

Findings of Fact

- Make specific findings of fact based on full investigation. *Findings of fact will be reviewed by the Decision-Maker. The investigator does not make a determination of responsibility (i.e., whether a policy was violated or whether harassment occurred). The investigator should, however, make credibility determinations, where applicable.*
- Do not consider a party's medical or psychological records without the party's written consent (or, in the case of a student, parent/guardian consent).

General Tips for Investigation Report

- Ensure each party has equal opportunity to submit evidence.
- Cite standard of review (e.g., preponderance of evidence).
- Note presumption that Respondent is not responsible.
- Cite applicable Board policies and code of conduct provisions.
- Ensure report is clear, concise, and complete.
- Assume final report may be released by either party
- Make findings of fact necessary for Decision-Maker to make determination of responsibility.

Delivery of Investigation Report

- Send finalized investigation report to Title IX Coordinator, Decision-Maker, Complainant, and Respondent at least 10 calendar days after the parties were sent all evidence to inspect and review.
- Inform parties that they may, but are not required to, submit written questions of any party or witness to the Decision-Maker.

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3118-F-8 Title IX Determination of Responsibility

Formerly known as “outcome” or “conclusion” letters, these letters notify the parties of the Decision-Maker’s determination of responsibility. The letters must be substantially similar in content and sent to the Complainant(s) and Respondent(s) simultaneously once the Decision-Maker has made a determination of responsibility.

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Title IX Investigation - Determination of Responsibility

Dear [Name]:

The District has completed its investigation into the Formal Complaint of sexual harassment, [Choose one - filed on/signed] on [Insert date] by [Insert Complainant Name if filed by Complainant or Title IX Coordinator Name if signed by Coordinator].

The allegations of sexual harassment, as that term is defined in the District’s Title IX Sexual Harassment Policy (the “Policy”), include: [Identify allegations, e.g., “engaged in inappropriate conduct with another District student on a District school bus,” “another student inappropriately touched your student”].

The Policy defines “sexual harassment” as conduct on the basis of sex that satisfies one or more of the following:

- A District employee conditioning the provision of a District aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking, as defined by the Violence Against Women Act, 34 USC § 12291 et. seq., and the uniform crime reporting system of the Federal Bureau of Investigation, 20 USC 1092(f)(6)(A)(v).

Upon the receipt of the Formal Complaint, the District took the following procedural steps [This list is not exhaustive. Modify this list depending on what was done during the investigation, include relevant dates and a description for each procedural step taken]:

3118-F-8 Title IX Determination of Responsibility

- Notice to the parties informing them of the commencement of the investigation and the allegations involved;
- Witness interviews;
- Party interviews;
- Site visits; and
- Evidence reviewed - Identify the methods used to gather other evidence].

On [insert date at least 10 calendar days before investigation report was finalized], you were given an opportunity to review all evidence compiled during the investigation and to provide a written response, which you [did/did not do]. On [insert date at least 10 calendar days before date of this letter], you received a copy of the investigation report. You had the opportunity to review the investigation report, submit a written response to the report, and submit written questions to the other party or witnesses before my determination of responsibility. You [identify whether party did/did not submit written response or written questions]. [Provide additional relevant information about written questions (e.g., whether the Decision-Maker determined the questions to be irrelevant; whether the party/witness to whom the questions were directed responded; how the Decision-Maker considered responses to the questions)].

Based on a preponderance of the evidence, I make the following findings of fact: [insert findings of fact relevant to whether the allegations are true and whether they constitute sexual harassment. Include specific dates, times, locations, and quotes. Make necessary credibility decisions and explain basis for those decisions.]

Based on the foregoing, I determine:

[insert whether a preponderance of the evidence substantiated each allegation and the rationale for that decision, e.g., "Based on witness testimony and video surveillance, a preponderance of the evidence substantiates that Respondent touched Complainant inappropriately on the bus."]

[insert conclusions about the application of the findings of fact to the Title IX Policy, e.g., "I find that, based on a preponderance of the evidence, a reasonable person would find that the (comments made to the Complainant/inappropriate touching/ etc.) was so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the District's educational program or activity."]

[if applicable, insert conclusions about the application of the findings of fact to other relevant code of conduct, policy, law, or rule, e.g., "Respondent's behavior also violated other District policies and codes of conduct. Specifically, (identify and describe policy/law/rule/code section and how it was violated.)]

As a result of this determination of responsibility, the District will take the following actions to restore or preserve equal access to the District's education programs and activities: [insert broad description of action.]

3118-F-8 Title IX Determination of Responsibility

For Complainant, remedial measures [Choose one - will/will not] be provided.

For Respondent, the District [Choose one - will/will not] impose disciplinary sanctions. [Insert disciplinary sanctions to be taken, if any].

The Title IX Coordinator will communicate separately with each party about implementation of applicable remedial measures.

Pursuant to the Policy, you may appeal this determination of responsibility within 5 business days of this correspondence for the following reasons:

1. A procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available at the time the determination of responsibility was made that could affect the outcome; or
3. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.

The Appeals process is described in the District's Title IX Policy, which can be found here: [Insert link to policy]. A hard copy of the Policy is also enclosed.

As a reminder, the District prohibits retaliation against any person who files a sexual harassment complaint or who cooperates in the investigation of such a complaint.

Please do not hesitate to contact me if you have any additional information or questions.

Sincerely,

[Decision-Maker]

Enclosure: [District's Title IX Sexual Harassment Policy]

C: Title IX Coordinator

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3118-F-8 Title IX Determination of Responsibility

Formerly known as “outcome” or “conclusion” letters, these letters notify the parties of the Decision-Maker’s determination of responsibility. The letters must be substantially similar in content and sent to the Complainant(s) and Respondent(s) simultaneously once the Decision-Maker has made a determination of responsibility.

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Title IX Investigation - Determination of Responsibility

Dear [Name]:

The District has completed its investigation into the Formal Complaint of sexual harassment, [Choose one - filed on/signed] on [Insert date] by [Insert Complainant Name if filed by Complainant or Title IX Coordinator Name if signed by Coordinator].

The allegations of sexual harassment, as that term is defined in the District’s Title IX Sexual Harassment Policy (the “Policy”), include: [Identify allegations, e.g., “engaged in inappropriate conduct with another District student on a District school bus,” “another student inappropriately touched your student”].

The Policy defines “sexual harassment” as conduct on the basis of sex that satisfies one or more of the following:

- A District employee conditioning the provision of a District aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking, as defined by the Violence Against Women Act, 34 USC § 12291 et. seq., and the uniform crime reporting system of the Federal Bureau of Investigation, 20 USC 1092(f)(6)(A)(v).

Upon the receipt of the Formal Complaint, the District took the following procedural steps [This list is not exhaustive. Modify this list depending on what was done during the investigation, include relevant dates and a description for each procedural step taken]:

3118-F-8 Title IX Determination of Responsibility

- Notice to the parties informing them of the commencement of the investigation and the allegations involved;
- Witness interviews;
- Party interviews;
- Site visits; and
- Evidence reviewed - Identify the methods used to gather other evidence].

On [Insert date at least 10 calendar days before investigation report was finalized], you were given an opportunity to review all evidence compiled during the investigation and to provide a written response, which you [did/did not do]. On [insert date at least 10 calendar days before date of this letter], you received a copy of the investigation report. You had the opportunity to review the investigation report, submit a written response to the report, and submit written questions to the other party or witnesses before my determination of responsibility. You [identify whether party did/did not submit written response or written questions]. [Provide additional relevant information about written questions (e.g., whether the Decision-Maker determined the questions to be irrelevant; whether the party/witness to whom the questions were directed responded; how the Decision-Maker considered responses to the questions)].

Based on a preponderance of the evidence, I make the following findings of fact: [Insert findings of fact relevant to whether the allegations are true and whether they constitute sexual harassment. Include specific dates, times, locations, and quotes. Make necessary credibility decisions and explain basis for those decisions.]

Based on the foregoing, I determine:

[Insert whether a preponderance of the evidence substantiated each allegation and the rationale for that decision, e.g., "Based on witness testimony and video surveillance, a preponderance of the evidence substantiates that Respondent touched Complainant inappropriately on the bus."]

[Insert conclusions about the application of the findings of fact to the Title IX Policy, e.g., "I find that, based on a preponderance of the evidence, a reasonable person would find that the (comments made to the Complainant/inappropriate touching/ etc.) was so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the District's educational program or activity."]

[If applicable, insert conclusions about the application of the findings of fact to other relevant code of conduct, policy, law, or rule, e.g., "Respondent's behavior also violated other District policies and codes of conduct. Specifically, (identify and describe policy/law/rule/code section and how it was violated.)]

As a result of this determination of responsibility, the District will take the following actions to restore or preserve equal access to the District's education programs and activities: [Insert broad description of action.]

3118-F-8 Title IX Determination of Responsibility

For Complainant, remedial measures [Choose one - will/will not] be provided.

For Respondent, the District [Choose one - will/will not] impose disciplinary sanctions. [Insert disciplinary sanctions to be taken, if any].

The Title IX Coordinator will communicate separately with each party about implementation of applicable remedial measures.

Pursuant to the Policy, you may appeal this determination of responsibility within 5 business days of this correspondence for the following reasons:

1. A procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available at the time the determination of responsibility was made that could affect the outcome; or
3. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against the Complainant or Respondent, generally or individually, that affected the outcome.

The Appeals process is described in the District's Title IX Policy, which can be found here: [Insert link to policy]. A hard copy of the Policy is also enclosed.

As a reminder, the District prohibits retaliation against any person who files a sexual harassment complaint or who cooperates in the investigation of such a complaint.

Please do not hesitate to contact me if you have any additional information or questions.

Sincerely,

[Decision-Maker]

Enclosure: [District's Title IX Sexual Harassment Policy]

C: Title IX Coordinator

Series 3000: Operation, Finance, and Property

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3118-F-9 Record Retention Requirements – Post in Title IX Coordinator’s Office

Title IX Recordkeeping Protocol

The District establishes the following recordkeeping protocol for complaints or reports of sexual harassment under the District’s Title IX Sexual Harassment Policy. The records identified below must be maintained for at least 7 years from the date of creation.

- A. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - 1. The basis for the District’s conclusion that its response to the report was not deliberately indifferent;
 - 2. Documentation demonstrating that the District has taken measures designed to restore or preserve equal access to the District’s education program or activity; and
 - 3. If supportive measures are not provided to the Complainant, documentation of the reasons why such a response was not clearly unreasonable in light of the known circumstances.
- B. Records of each sexual harassment investigation, including:
 - 1. A determination of responsibility;
 - 2. Disciplinary sanctions imposed on the Respondent;
 - 3. Remedies provided to the Complainant; and
 - 4. Appeal records, if applicable, including results of the appeal.
- C. Records of any informal resolution, including the results of an informal resolution.
- D. All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process. Training materials must also be maintained on the District’s website.

A copy of an investigation report involving a specific employee may also be kept in the employee’s personnel file only as required or permitted by the Bullard-Plawecki Employee Right to Know Act, MCL 423.501 et seq.

Employees who document incidents or reports of Title IX sexual harassment should keep a copy of all written reports and documentation.

Student personally identifiable information is protected and must be kept confidential pursuant to state and federal law.

This notice will be posted in the Title IX Coordinator’s office. Copies are available in the Title IX Coordinator’s office.

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3118-F-9 Record Retention Requirements – Post in Title IX Coordinator's Office

Title IX Recordkeeping Protocol

The District establishes the following recordkeeping protocol for complaints or reports of sexual harassment under the District's Title IX Sexual Harassment Policy. The records identified below must be maintained for at least 7 years from the date of creation.

- A. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - 1. The basis for the District's conclusion that its response to the report was not deliberately indifferent;
 - 2. Documentation demonstrating that the District has taken measures designed to restore or preserve equal access to the District's education program or activity; and
 - 3. If supportive measures are not provided to the Complainant, documentation of the reasons why such a response was not clearly unreasonable in light of the known circumstances.
- B. Records of each sexual harassment investigation, including:
 - 1. A determination of responsibility;
 - 2. Disciplinary sanctions imposed on the Respondent;
 - 3. Remedies provided to the Complainant; and
 - 4. Appeal records, if applicable, including results of the appeal.
- C. Records of any informal resolution, including the results of an informal resolution.
- D. All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process. Training materials must also be maintained on the District's website.

A copy of an investigation report involving a specific employee may also be kept in the employee's personnel file only as required or permitted by the Bullard-Plawecki Employee Right to Know Act, MCL 423.501 et seq.

Employees who document incidents or reports of Title IX sexual harassment should keep a copy of all written reports and documentation.

Student personally identifiable information is protected and must be kept confidential pursuant to state and federal law.

This notice will be posted in the Title IX Coordinator's office. Copies are available in the Title IX Coordinator's office.

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3100 General Operations

3118-F-10 Notice of Availability of Informal Resolution

After a Formal Complaint has been filed but before a determination of responsibility has been made, Districts may, but are not required to, offer an informal resolution process to the parties, if appropriate. An informal resolution process is a voluntary, alternative means of resolving the Formal Complaint without a full investigation and adjudication under the Title IX grievance process. The informal resolution process is never appropriate to resolve an allegation that an employee sexually harassed a student. This notice informs the parties of the availability of informal resolution and additional information about the process.

District letterhead

On [date], the District received a Formal Complaint alleging that [insert name], the Respondent, engaged in sexual harassment in violation of the District's Title IX Sexual Harassment Policy against [insert name], the Complainant. The Formal Complaint alleges that [insert specific allegations].

After a Formal Complaint has been filed but before a determination of responsibility has been made, the Title IX regulations permits the District to offer an informal resolution process to the parties, if appropriate. An informal resolution process is a voluntary, alternative means of resolving the Formal Complaint without a full investigation and adjudication under the Title IX grievance process. The informal resolution process is never appropriate to resolve an allegation that an employee sexually harassed a student.

This notice is to inform you of the availability of informal resolution to address the Formal Complaint in this matter and to provide additional information about the process.

During informal resolution, the Title IX Coordinator (or another trained individual designated by the District) will work with the parties to try to facilitate a mutually acceptable resolution of the Formal Complaint. This may involve the use of mediation, restorative justice practices, facilitated discussions, or similar dispute resolution practices, as determined appropriate by the District. If an agreement is reached during informal resolution, it will be reduced to writing and signed by both parties. The parties will be bound by the agreement's terms and precluded from resuming the formal grievance process to address the allegations in the Formal Complaint.

The Complainant and Respondent are not required to participate in informal resolution as a condition of enrollment or employment, continued enrollment or employment, or enjoyment of any other right afforded by the District. The District neither encourages nor discourages the use of informal resolution. Participation in the process is voluntary and both parties must consent in writing to participate in informal resolution. Likewise, either party may withdraw their consent to participate and resume the formal grievance process at any time before the parties reach agreement through informal resolution. The decision to participate, not participate, or to terminate an informal resolution once it has started will not be a factor in any determination made by the Decision-Maker as to whether a Title IX policy violation occurred.

3118-F-10 Notice of Availability of Informal Resolution

Finally, any informal resolution discussions will be kept confidential to the extent permitted by law and may not be introduced as evidence in the formal grievance process should informal resolution be unsuccessful. The District is required, however, to maintain records on any informal resolution and its results, and may share those records as permitted or required by law.

I have read and understand the information above and voluntarily agree to participate in the informal resolution process.

Print Name

Signature of Party

Date

Series 3000: Operation, Finance, and Property

3100 General Operations

3118-F-10 Notice of Availability of Informal Resolution

After a Formal Complaint has been filed but before a determination of responsibility has been made, Districts may, but are not required to, offer an informal resolution process to the parties, if appropriate. An informal resolution process is a voluntary, alternative means of resolving the Formal Complaint without a full investigation and adjudication under the Title IX grievance process. The informal resolution process is never appropriate to resolve an allegation that an employee sexually harassed a student. This notice informs the parties of the availability of informal resolution and additional information about the process.

District letterhead

On [date], the District received a Formal Complaint alleging that [insert name], the Respondent, engaged in sexual harassment in violation of the District's Title IX Sexual Harassment Policy against [insert name], the Complainant. The Formal Complaint alleges that [insert specific allegations].

After a Formal Complaint has been filed but before a determination of responsibility has been made, the Title IX regulations permits the District to offer an informal resolution process to the parties, if appropriate. An informal resolution process is a voluntary, alternative means of resolving the Formal Complaint without a full investigation and adjudication under the Title IX grievance process. The informal resolution process is never appropriate to resolve an allegation that an employee sexually harassed a student.

This notice is to inform you of the availability of informal resolution to address the Formal Complaint in this matter and to provide additional information about the process.

During informal resolution, the Title IX Coordinator (or another trained individual designated by the District) will work with the parties to try to facilitate a mutually acceptable resolution of the Formal Complaint. This may involve the use of mediation, restorative justice practices, facilitated discussions, or similar dispute resolution practices, as determined appropriate by the District. If an agreement is reached during informal resolution, it will be reduced to writing and signed by both parties. The parties will be bound by the agreement's terms and precluded from resuming the formal grievance process to address the allegations in the Formal Complaint.

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3118-F-10 Notice of Availability of Informal Resolution

Finally, any informal resolution discussions will be kept confidential to the extent permitted by law and may not be introduced as evidence in the formal grievance process should informal resolution be unsuccessful. The District is required, however, to maintain records on any informal resolution and its results, and may share those records as permitted or required by law.

I have read and understand the information above and voluntarily agree to participate in the informal resolution process.

Print Name

Signature of Party

Date

Series 3000: Operation, Finance, and Property

3100 General Operations

3118-F-11 Declining to File Title IX Formal Complaint

If a Complainant declines to file a Formal Complaint after the initial “triage” meeting and the Title IX Coordinator determines not sign a Formal Complaint, the Title IX Coordinator should document that refusal by sending the Complainant this letter.

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Declining to File Title IX Formal Complaint

Dear [Name]: I am the Title IX Coordinator for [insert District]. On [date], the District received a report alleging that [insert the allegations with specificity].

Pursuant to Title IX regulations and Policy 3118, the District must conduct a prompt and fair investigation of any Formal Complaint of sexual harassment. Sexual harassment may include, among other things, the creation of a hostile sexual environment, sexual assault, dating violence, and domestic violence.

On [insert date], I met with you to: (1) offer you the opportunity to file a Formal Title IX Complaint, (2) explain the Title IX grievance process, and (3) offer you supportive measures. I further informed you that if you chose not to file a Formal Title IX Complaint, the District would still investigate and address these allegations to the best of its ability under other applicable laws, policies, or codes of conduct, and to the extent permitted by law.

Finally, I informed you that you are entitled to supportive measures regardless of whether a Formal Title IX Complaint is filed. Supportive measures are provided at no cost to you and are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the District’s educational environment or to deter sexual harassment.

This letter confirms that you declined to file a Title IX Formal Complaint. [Option 1: You also declined any supportive measures from the District.] [Option 2: You, however, did accept the District’s offer of supportive measures, which includes [insert supportive measures].]

3118-F-11 Declining to File Title IX Formal Complaint

If you have additional information to share about these allegations, would like to discuss supportive measures or filing a Formal Complaint, or have other questions, please contact me at [\[insert contact information\]](#).

As noted in Board Policy 3118, please be reminded that retaliation against any person who makes a report or files a complaint of sexual harassment or cooperates in the investigation of such a complaint is strictly prohibited.

Sincerely,

Title IX Coordinator

Series 3000: Operation, Finance, and Property

3100 General Operations

3118-F-11 Declining to File Title IX Formal Complaint

If a Complainant declines to file a Formal Complaint after the initial “triage” meeting and the Title IX Coordinator determines not sign a Formal Complaint, the Title IX Coordinator should document that refusal by sending the Complainant this letter.

To be sent on District letterhead

[Date]

[Name]

[Address]

[City, State, Zip Code]

Re: Declining to File Title IX Formal Complaint

Dear [Name]: I am the Title IX Coordinator for [insert District]. On [date], the District received a report alleging that [insert the allegations with specificity].

Pursuant to Title IX regulations and Policy 3118, the District must conduct a prompt and fair investigation of any Formal Complaint of sexual harassment. Sexual harassment may include, among other things, the creation of a hostile sexual environment, sexual assault, dating violence, and domestic violence.

On [insert date], I met with you to: (1) offer you the opportunity to file a Formal Title IX Complaint, (2) explain the Title IX grievance process, and (3) offer you supportive measures. I further informed you that if you chose not to file a Formal Title IX Complaint, the District would still investigate and address these allegations to the best of its ability under other applicable laws, policies, or codes of conduct, and to the extent permitted by law.

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This letter confirms that you declined to file a Title IX Formal Complaint. [Option 1: You also declined any supportive measures from the District.] [Option 2: You, however, did accept the District’s offer of supportive measures, which includes [insert supportive measures].]

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As noted in Board Policy 3118, please be reminded that retaliation against any person who makes a report or files a complaint of sexual harassment or cooperates in the investigation of such a complaint is strictly prohibited.

Sincerely,

Title IX Coordinator

Series 3000: Operations, Finance, and Property

3100 General Operations

3119 *Experimental or Pilot Programs*

The Board encourages innovation and creativity in its educational programming and general operations through the use of experimental or pilot programs (“Programs”). An experimental or pilot program is a trial program conducted to evaluate feasibility that may be converted to a regular program at the conclusion of the trial period.

Employees may submit a proposal for a Program to the Superintendent or designee for consideration. The Superintendent may also prepare a Program proposal.

A Program proposal must include the Program name, duration, purpose, and goals. Proposals must also include:

- A. A list of proposed materials and equipment to be used in the Program;
- B. Anticipated Program costs, including staffing costs;
- C. A proposed framework for implementing the Program and evaluating the Program’s success, including evaluation intervals and criteria; and
- D. Other relevant information, if requested by the Superintendent or designee.

The Superintendent or designee will review the Program proposal and may seek clarification from the employee(s) that submitted the proposal, if prepared by employees other than the Superintendent. The Superintendent or designee may also amend the proposed Program in the Superintendent’s or designee’s sole discretion.

If the Superintendent or designee believes that the proposed Program (either as originally drafted or as amended) is in the best interests of the District, the Superintendent or designee will present the proposed Program to the Board for its consideration. The Program may be approved by the Board in its sole discretion.

The Board recognizes that experimental and pilot programs are a prohibited subject of bargaining under the Michigan Public Employment Relations Act. The Superintendent is encouraged to consult with legal counsel about legal implications of a Program before submitting it for Board approval.

At the conclusion of the Program, the Board may consider conversion of the Program to a regular program.

Legal Authority: MCL 380.11a; MCL 423.215(3)(h)

Date adopted: November 8, 2021

Date revised: March 14, 2022

Series 3000: Operations, Finance, and Property

3100 General Operations

3120 *Intentionally Left Blank*

Series 3000: Operations, Finance, and Property

3100 General Operations

3120-F-1 Head Start Exemption Request Form: CONFIDENTIAL

Pursuant to the U.S. Department of Health and Human Services interim final rule with comment published on November 30, 2021, and pursuant to Policy 3120, a person may request an exemption from the Policy 3120 vaccination or mask requirement.

Please select the Policy 3120 requirement(s) for which you are requesting an exemption and the basis for your request:

- Vaccination
 - I am a person for whom a vaccine is medically contraindicated.
 - I am a person for whom medical necessity requires a delay in vaccination.
 - I cannot comply with the vaccination requirement because of my disability, so I request an accommodation.
 - I cannot comply with the vaccination requirement because of my sincerely held religious belief, practice, or observance that conflicts with the vaccination requirement, so I request an accommodation.

- Mask
 - I cannot comply with the mask requirement because of my disability, so I request an accommodation.
 - I am the parent/guardian of a Head Start child, whose health care provider advises an alternate face covering to accommodate my child's special health care needs.

If requesting an accommodation for the Policy 3120 vaccination requirement based on religious reasons, please identify your religious belief, practice, or observance and how it conflicts with that requirement.

3120-F-1 Head Start Exemption Request Form: CONFIDENTIAL

For each Policy 3120 requirement for which you are requesting an accommodation, please identify your preferred accommodation.

Please identify any other accommodations that would also eliminate the conflict between your disability or sincerely held religious belief, practice, or observance and the applicable requirement.

I declare that the above information is true and accurate. I understand that knowingly providing false information on this form may subject me to criminal and civil penalties and, if I am a District employee, disciplinary action.

Signature of Person Requesting Exemption
(or Parent/Guardian, if request is for a Head Start child)

Date

Printed Name of Person Requesting Exemption

<p align="center">For Internal Use - To be completed by District Administrator</p> <p><input type="checkbox"/> Documentation supporting exemption request received. See Policy 3210(C)(3). Outcome of Exemption Request: _____ _____ _____ _____</p> <p align="center">***Form to be kept confidential ***</p>
--

[Remove Note Before Use: If an employee requests an accommodation based on disability, engage in the interactive process under the Americans with Disabilities Act. See Policy 4105.]

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3201 Accounting

A. Financial Accounting

1. The District will maintain complete financial accounting records using the charts of accounts approved and published by MDE. The District will implement an accounting system as prescribed by MDE and the Michigan Public School Accounting Manual (Bulletin 1022).
2. The District's fiscal and accounting year will begin each year on July 1.
3. The District will have a certified public accountant audit its financial records at least annually.

B. Pupil Accounting

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

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3202 *Budgets and Truth in Budgeting/Taxation Hearings*

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

A. Budget

1. The Superintendent will prepare each proposed budget in accordance with Board policies and goals and state law. Each budget will be based on up-to-date revenue estimates and will reflect the assessed needs and programs approved by the Board.
2. The Board must adopt each budget by June 30 of each year.
3. As circumstances change through the course of the fiscal year, the Superintendent will bring recommended budget amendments to the Board for review and adoption.
4. Within 15 days after the Board adopts a budget or any amendment to a budget, the Superintendent or designee will make the budget or amended budget available through a link on the District's website homepage.
5. Reserved.

B. Truth In Budgeting Hearing

1. The Board must hold a public hearing on the proposed budgets before adopting the budgets. The Superintendent or designee must give notice of the public hearing by publication in a newspaper of general circulation within the District at least 6 days before the hearing. The notice must:
 - include the time and place of the hearing;
 - state that the proposed budget(s) is available for public inspection at the District's administrative offices; and
 - include the following statement printed in 11-point boldfaced type:

The property tax millage rate proposed to be levied to support the proposed budgets will be a subject of this hearing.
2. The Board must consider and adopt the budgets within 10 days after the public hearing in accordance with state law.

C. Truth in Taxation Hearing

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

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3202-F Truth in Budgeting/Taxation Notice

[SCHOOL DISTRICT LEGAL NAME]
NOTICE OF A PUBLIC HEARING
ON PROPOSED 20[]-20[] BUDGET

PLEASE TAKE NOTICE that on [], 20[], at [] o'clock [].m., at [], [], Michigan, the Board of Education of [School District Legal Name] will hold a public hearing to consider the District's proposed 20[]-20[] budget.

The Board may not adopt its proposed 20[]-20[] budget until after a public hearing. A copy of the proposed 20[]-20[] budget, including the proposed property tax millage rate, is available for public inspection during normal business hours at [], [], Michigan.

The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.¹

This notice is given by order of the Board of Education.

Secretary

¹ **Note:** This sentence must be printed in 11-point boldfaced type as shown.

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3203 Deposits

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

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

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

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

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3204 Investment of Funds

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

A. Authority of Investment Officer

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

B. Combining Funds for Investment

1. The Investment Officer may combine the District's debt retirement funds for investment purposes into a single common fund to the extent the bonds associated with such debt retirement funds are of a similar character (e.g., voted bond debt retirement funds may be aggregated for investment but voted and non-voted bond debt retirement funds may not).
2. For all other funds, the Investment Officer is authorized to combine money from more than 1 fund for investment purposes.
3. Investment earnings shall accrue to the fund for which the investment was made. In the event of combined funds for investment purposes, the earnings shall be accounted for separately and the investment earnings shall be separately and individually computed, recorded, and credited to the fund for which the investment was made.

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

Legal authority: MCL 21.146; MCL 141.2705; MCL 380.1223

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3205 Disbursements

- A. A person authorized by the Board to draw upon District depository funds may sign and validate a warrant, check, and other instruments to draw upon such funds.
- B. Petty Cash
 - 1. The Board may authorize a separate petty cash fund for any District building for the purchase of materials, supplies, services, or other school related goods and services in circumstances requiring immediate payment. The amount of each petty cash fund will not exceed \$50.
 - 2. Petty Cash Fund Custodians: The following persons will be the custodians of each petty cash fund and will administer and be responsible for the funds:
 - a. Elementary School: Principal
 - b. Middle School: Principal
 - c. High School: Principal
 - d. District Office: Superintendent
 - 3. Petty cash fund disbursements may only be made if authorized by the Superintendent or appropriate petty cash fund custodian.
 - 4. Documentation: All petty cash fund disbursements will be supported by an itemized receipt or other sufficient evidence that documents the expenditure. The itemized receipt or supporting documentation will include the name and contact information of the business receiving the payment, the date, a description reasonably sufficient to identify each item purchased, the purpose of the purchase, and the price. Petty cash fund custodians will maintain the documentation as required by law. Expenses must be assigned to the proper budget account.
 - 5. Purchase Review Procedures: The Superintendent or designee will review petty cash fund expenditures with the Treasurer at least monthly. Any unlawful or unauthorized expenditure or other significant discrepancy will be brought to the attention of the Board and the offending person.
 - 6. Reconciliation and Closeout: Each petty cash fund will be reconciled by the Treasurer, or another District official designated by the Board, and closed out at the end of the fiscal year.
- C. District funds or other “public funds” (as defined in Revised School Code Section 1814) under the control of the District may not be used to purchase the following:

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

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

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

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

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

Legal Authority: MCL 380.1814

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3206 *Property Tax Levies*

A. General

1. The Board will identify, before the end of each fiscal year as part of the budget approval process, taxes that have been previously authorized by District electors. Of those taxes, the Board will determine which will be levied in the subsequent fiscal year and the applicable levy rate.
2. The Superintendent or designee will identify all taxes to be levied and the applicable levy rate in the documents filed with the relevant county(ies) necessary to collect those taxes within the District's geographic boundaries.

B. New Millage

1. If District electors authorize new millage and the Board determines to levy the new millage in the current fiscal year, the Superintendent or designee must file amendments to the previously filed tax allocation documents with the relevant county(ies) necessary to collect those new taxes.
2. If required by law, the District must hold a truth in taxation hearing in compliance with Policy 3202 before levying any new millage.

C. Summer Tax Levy

If the Board has previously determined to levy half or all of the District's property taxes on July 1 of each year, then the Board must adopt a continuing resolution on or before December 31 of each calendar year to continue to levy summer property taxes in the subsequent calendar year in the same proportion previously determined by the Board.

Legal authority: MCL 380.1611-1613

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3206-F Annual Summer Tax Resolution Form

[Note: Do not use if establishing or changing a summer tax levy]

Annual Summer Tax Resolution

[School District Legal Name] (the "District")

A [] meeting of the board of education of the District (the "Board") was held in the [], within the boundaries of the District, on the [] day of [], 20[], at [] o'clock in the [].m. (the "Meeting").

The Meeting was called to order by _____, President.

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, this Board previously adopted a resolution to impose a summer tax levy to collect [50% or 100%] of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by the Board.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board, pursuant to 1976 PA 451, as amended (the Revised School Code), invokes for 20[] its previously adopted ongoing resolution imposing a summer tax levy of [Choose One: one-half or all] of annual school property taxes, including debt service, upon property located within the District and continuing from year-to-year until specifically revoked by the Board and requests that each city and/or township in which the District is located collect those summer taxes.

2. The Superintendent or designee is authorized and directed to forward to the governing body of each city and/or township in which the District is located a copy of this Board's original resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 20[] in the amount specified in this resolution. Such forwarding of the resolutions and the request to collect the summer tax levy shall be performed so that they are received by the appropriate governing bodies before January 1, 20[].

3206-F Annual Summer Tax Resolution Form

3. Pursuant to and in accordance with Section 1613(1) of the Revised School Code, the Superintendent or designee is authorized and directed to negotiate on behalf of the District with the governing body of each city and/or township in which the District is located for the reasonable expenses for collection of the District's summer tax levy that the city and/or township may bill under MCL 380.1611 or MCL 380.1612. Any such proposed agreement shall be brought before this Board for its approval or disapproval.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of [REDACTED], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the Meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

Secretary, Board of Education

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3207 School Activities Fund

A. Fiduciary Funds

A fiduciary fund is a fund held by the District, in its discretion, in a trustee or agency capacity, for a purpose within the scope of the District's legal authority. A fiduciary fund cannot be used by the District to support its operations. All District fiduciary funds must comply with generally accepted accounting principles and be held in accordance with the standards adopted by MDE in the Michigan Public School Accounting Manual (Bulletin 1022). A fiduciary fund may be a Custodial Fund or a Private-Purpose Trust Fund. For purposes of this Policy, capitalized terms not defined in this Policy are defined in Bulletin 1022.

1. Activity Funds

The District may not use an activity fund as defined by GASB Statement No. 84 and adopted by Bulletin 1022.

2. Custodial Funds

A Custodial Fund may be used only to hold assets and issue payments for a non-District Custodial Fund beneficiary. A Custodial Fund may be maintained if the account:

- a. does not contain the District's sole source revenue, such as state and federal aid, tax collections, and non-exchange transactions;
- b. does not designate the District as a beneficiary; and
- c. is not subject to District control, including administrative or financial control.

3. Private-Purpose Trust Funds

A Private-Purpose Trust Fund (Private Trust) may be maintained as a fiduciary fund if:

- a. a written, lawful trust agreement exists and is submitted to the District;
- b. the trust assets are for a private purpose;
- c. the District is not a beneficiary, directly or indirectly; and
- d. the District does not have control, including administrative or financial control, or the ability to make decisions about trust assets.

Trust funds failing to meet the above requirements must be treated as a public purpose trust fund, subject to Policy 3201.

B. Scholarship Funds

1. Private Trust Scholarships

An individual, estate, support group, club, company, or other donor that desires to establish a trust fund to benefit persons through scholarships must meet the criteria for a Private Trust described above.

2. Compact Scholarships

Public funds may not be used to administer scholarships, except that the District may establish and administer a scholarship fund for its students or graduates to attend a postsecondary educational institution if the fund arises from a compact between the State of Michigan and a federally-recognized Indian tribe under the Indian Gaming Regulatory Act.

Legal authority: MCL 380.11a(3), 380.11a(14); MDE *Michigan Public School Accounting Manual (Bulletin 1022)*, as amended March 28, 2019; GASB Statement No. 84, *Fiduciary Activities* (January 2017)

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3208 Surety Bonds of District Officials

A. Bonded Officials

1. The Superintendent, any financial officer, and any attendance officer of the District must furnish a surety bond in the penal sum of not less than \$250,000, or an amount otherwise required by law, to assure the faithful performance of their respective duties.
2. A “financial officer” is any person who is required, by job description or Policy, to transact financial business on behalf of the District or to supervise or handle monetary receipts or disbursements on a reasonably consistent basis, including, but not limited to, the persons holding in whole or in part the following positions or their functional equivalent:
 - Treasurer;
 - Chief Business Official;
 - Payroll Clerk;
 - Activity Fund Custodian; and
 - Department Directors.

B. Bond Requirements

1. A surety bond may be furnished as either:
 - a. a separate bond or surety contract for each individual officer or employee; or
 - b. a blanket bond.

A blanket bond must be a blanket position bond that covers the Superintendent and any financial or attendance officer positions (rather than the individual people).

2. A surety bond must be purchased by the District and furnished by a company duly qualified under state law. Each surety bond must be payable to the District and require the Superintendent, all financial officers, and all attendance officers to faithfully perform their duties during their employment or term of office and properly account for all monies and property received by virtue of their position or employment.

Legal authority: MCL 129.51; MCL 380.1571

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3209 Debit/Credit Cards

The Board approves the use of a debit/credit card (credit card) program for the purchase of goods and services on behalf of the District. The Board will determine the type of credit card(s) used in the program and will contract with a third-party provider as provided by law. The Superintendent or designee is responsible for issuing credit cards to authorized users, accounting for and monitoring credit card usage, retrieving credit cards when appropriate, and generally overseeing compliance with this Policy. The total combined authorized credit limit of all credit cards may not exceed 5% of the District's budgeted expenditures for the applicable fiscal year.

A. Authorized Users

The Board may assign a credit card to an employee. An authorized credit card user is responsible for the protection and custody of the credit card and must immediately notify the Superintendent or designee if the credit card is lost or stolen. A person issued a credit card must return the credit card upon placement on administrative leave, disciplinary suspension, or termination of employment or service with the District.

B. Authorized Purchases

An authorized user may use a credit card to charge actual, necessary, and reasonable travel expenses in connection with official District business. Otherwise, the credit card may only be used to purchase goods and services approved by the Board or the Superintendent or designee.

C. Documentation

An authorized user must submit to the Superintendent or designee an itemized receipt. The itemized receipt must include the name of the business, the date of purchase, a description of each item and its purpose, and the price. A non-itemized receipt alone is not sufficient.

D. Suspension or Termination of Privileges

The Superintendent or designee may suspend or terminate the credit card privileges of any person who violates this Policy or for any other lawful reason. The person must promptly return the credit card to the Superintendent or designee. A person who misuses a credit card or violates this Policy may be subject to discipline, including discharge and reimbursing the District for any unauthorized purchase.

E. Reward Points or Rebates

Any reward points, rebates, or other benefits received from a third-party credit card company are the District's property.

F. Purchase Review Procedures

The Superintendent or designee will conduct an independent review of credit card expenses, or a sample of these expenses, on a monthly basis. Any unlawful or unauthorized expenditure or other discrepancy will be brought to the credit card user's attention. Upon request, the Superintendent or designee must provide the Board with the documentation submitted pursuant to this Policy or a summary of that documentation with a description sufficient to give the Board reasonable notice of the items purchased. The outstanding balance, including interest, will be paid by the District within 60 days after the initial statement date.

Legal authority: MCL 129.241 et seq.; MCL 380.1254; MCL 750.491

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3210 *Borrowing*

A borrowing is the taking of money with an agreement to repay it with or without interest. The Board must initiate and authorize all borrowing, except credit card borrowing under Policy 3209, by resolution. All borrowed amounts will conform to legal debt limits and be for the purposes prescribed by state law. The Superintendent or designee must consult with the District's finance counsel for all District borrowings covered by this Policy.

Legal authority: MCL 123.721 et seq.; MCL 380.1225, 380.1351, 380.1351a; MCL 141.2101 et seq.

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3211 *Post-Issuance Tax Compliance*

A. Policy

Federal tax law requires that issuers of outstanding tax-exempt or tax credit debt obligations (“Obligations”) comply with certain post-issuance requirements in the Internal Revenue Code (IRC) and Treasury Regulations. Obligations include, but are not limited to, tax-exempt bonds, refunding bonds, tax credit bonds, installment and lease purchase agreements, lines of credit, state aid notes, and tax anticipation notes.

B. Policy Implementation

To preserve the tax-exempt or tax credit status of the Obligations and to comply with federal tax law after Obligations have been issued, the Board authorizes the Superintendent or designee to establish administrative guidelines in connection with Obligations to comply with federal tax law.

C. Designation of Debt Compliance Officer

The District’s chief business official will be the debt compliance officer responsible for implementing this Policy (“Debt Compliance Officer”). In the absence of a chief business official, the Superintendent or designee will serve as the Debt Compliance Officer until a replacement Debt Compliance Officer is assigned. The Superintendent will ensure that a person serves in this position at all times. If the District contracts with a third party for business services, including another school district, the Superintendent or designee remains responsible for the oversight of the third-party Debt Compliance Officer.

D. Responsibilities of Debt Compliance Officer

The Debt Compliance Officer will be responsible for administration and oversight of post-issuance tax compliance requirements and other provisions of this Policy related to the District’s Obligations, including implementation and compliance with remedial action procedures outlined below. The Debt Compliance Officer’s responsibilities will include:

1. Overseeing and managing compliance with federal rules and regulations applicable to post-issuance tax compliance for all outstanding Obligations from the date of issuance through the date of maturity of such Obligations, including any refunding Obligations related to the original issuance of debt;
2. Consulting with bond counsel, financial advisors, and other professionals about non-compliance, if any, and required remedial actions as necessary;

3. Maintaining written records of expenditures and investments of Obligations in accordance with subsection G;
4. Supervising and ensuring timely filings of reports and forms required by state and federal agencies related to Obligations;
5. Providing written documentation and other requested disclosures, including to the District's bond counsel, financial advisors, and other professionals, upon request;
6. Monitoring arbitrage, yield restriction, and rebate requirements under IRC Section 148. This duty includes monitoring compliance with 6-month, 18-month, or 2-year spending exceptions, as applicable; and
7. Monitoring all record retention requirements and oversee compliance with record retention requirements set forth in this Policy.

E. Internal Written Procedures and Protocols

1. The Debt Compliance Officer will develop written internal controls and procedures related to post-issuance tax compliance that address at least the following:
 - a. Identifying and reporting non-compliance, including protocols for contacting bond counsel and financial advisors;
 - b. Monitoring compliance with arbitrage, yield restriction, and rebate requirements under IRC Section 148; and
 - c. Monitoring and tracking the use of bond-financed or refinanced assets, including identifying non-compliance and taking appropriate remedial action in accordance with Treasury Regulation 1.141-12.
2. Internal procedures and controls will provide for detailed written guidelines to be used for the purpose of identifying potential non-compliance. If non-compliance is confirmed, the Debt Compliance Officer will take immediate action to report and resolve non-compliance in accordance with the District's internal procedures and federal law and regulations.

F. Periodic Compliance Review

1. Annual Review. The Debt Compliance Officer will conduct an annual review of District records related to outstanding Obligations to ensure that such records, including tax documentation, are adequately maintained.
2. Periodic Review. The Debt Compliance Officer will review and update District records, including tax documentation, related to an Obligation upon the occurrence of any of the following events:
 - a. The retirement, defeasance, or refunding of an Obligation; and

- b. Upon the sale, re-purposing, change in use, or refinancing of property purchased with outstanding Obligations that remain outstanding.

G. Record Retention

The District will maintain detailed written records of all expenditures and investments of Obligations for the life of the Obligation, which will be maintained until final maturity. With respect to bond issues, the District will maintain records of all expenditures and investments for the life of the bonds, including any subsequent refunding bonds, plus 3 years.

H. Training and Education

The District will provide, at its cost, training for the Debt Compliance Officer. The Debt Compliance Officer will complete training at least. Annual training may be provided to additional personnel who assist the Debt Compliance Officer.

Legal Authority: IRC 148; Treasury Regulation 1.141-12

Date adopted: November 8, 2021

Date revised:

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3200 Finance and Borrowing

3211-F Post-Issuance Compliance Checklist

Transaction Parties

Overall Responsible Office
(for Debt Management Activities): _____

Bond Counsel: _____

Municipal Advisor: _____

Paying Agent: _____

Rebate Specialist: _____

Other: _____

Other: _____

Other: _____

Other: _____

Tax Law Requirements

	Document Reference	Responsibility
A. Use of Proceeds		
1. Proceeds spent consistent with ballot purposes		
2. Proceeds spent consistent with SLRF application (if applicable)		
3. No private business use arrangement with private entity (includes federal government) beyond permitted <i>de minimis</i> amount unless cured by remedial action (contact bond counsel if approaching more than 5% private use)		
a. Sale of bond financed facilities		
b. Lease of bond financed facilities		
c. Portion of facility managed by third party		
d. Special legal access/entitlement		

	Document Reference	Responsibility
B. Arbitrage and Rebate		
1. Contracts to spend 5% of proceeds within six months of bond issuance		
2. 85% of proceeds spent within three years		
3. Proceed with due diligence to spend balance of proceeds after three-year anniversary of bond issuance		
4. Rebate (if not exempt from rebate). IRC §148(f)		
a. If owed, arbitrage rebate is first payable on fifth anniversary of bond issuance, plus 60 days		
b. Monitor expenditures prior to semi-annual target dates for 6-month, 18-month, or 24-month spending exception		
C. Record Retention		
1. Maintain general records relating to issue for life of issue, plus any refunding, plus three years (this includes records evidencing expenditures)		
2. Maintain special records required by safe harbor for investment contracts or defeasance escrows. Treas. Reg. § 1.148-5		
3. Maintain record of election to utilize the QTE \$10,000,000 small issue bond designation		
D. Allocations of Bond Proceeds to Expenditures		
Make any allocations of bond proceeds to expenditures needed under Treas. Reg. § 1.148-6(d) by 18 months after the later of the date the expenditure was made, or the date the project was placed in service, but not later than the earlier of 5 years after the bonds were issued or 60 days after the issue is retired		

Disclosure Requirements

	Document Reference	Responsibility
A. Securities Law Requirements		
1. Determine applicability of continuing disclosure agreement (CDA)		
2. Identify obligated person for purposes of Rule 15c2-12 compliance		
3. Name Dissemination Agent, if applicable		
4. Periodically determine that required CDA filings have been prepared, sent to, and received by EMMA and State repository		
5. Information required to be provided to EMMA		
a. Annual reports		
i. Quantitative financial information and operating data disclosed in official statement		
ii. Audited financial statements		
b. Other information		
i. Change of fiscal year		
ii. Failure to file annual report		
6. Material Event Disclosure		
Notify EMMA, in timely manner, of any following events with respect to bonds, if event is material within meaning of federal securities laws:		
a. Principal and interest payment delinquencies		
b. Non-payment related defaults		
c. Unscheduled draws on debt service reserves reflecting financial difficulties		
d. Unscheduled draws on credit enhancements reflecting financial difficulties		

	Document Reference	Responsibility
e. Substitution of credit or liquidity providers, or their failure to perform		
f. Adverse tax opinions or events affecting the tax-exempt status of the bonds		
g. Modifications to rights of holders of the bonds		
h. Bond calls and tender offers		
i. Defeasances		
j. Release, substitution, or sale of property securing repayment of the bonds		
k. Rating changes		
l. Bankruptcy, insolvency, or receivership		
m. Merger/consolidation/annexation		
n. Appointment of new or additional trustee		
o. Incurrence of a Financial Obligation		
p. Default, acceleration, termination, or modification of a Financial Obligation		
7. Failure of obligated person to timely file financial information (including audited financial statements) and operating data with EMMA		
B. Notification to Underwriters of Bonds		
1. Determine whether bond purchase agreement requires issuer of the bonds to notify underwriters for a specified period of time of any fact or event that might cause the official statement to contain any untrue statement of material fact or omit to state a material fact necessary to make the statements made therein, in light of the circumstances under which they were made, not misleading		

	Document Reference	Responsibility
2. Determine whether bond purchase agreement requires issuer of the bonds to provide underwriters the annual audit within a specified period of time of the end of each fiscal year		
C. Local Disclosure		
State and/or local disclosure requirements		
1. Security Report		
2. Annual filing with the State Treasurer for five years (Energy Bonds only)		

Miscellaneous State Law and Document Requirements

A. Insurance		
1. Proof of receipt of final title policy and proof of delivery to trustee or custodian		
2. Monitor compliance with property and casualty insurance requirements		
B. Financial Covenants		
Monitor compliance with rate covenant or other covenants		
C. Transfer of Property		
1. Restrictions on transfer of cash		
2. Restrictions on releases of property		
3. Restrictions on granting liens or encumbering property		
D. Investments		
1. Compliance with permitted investments per MCL 380.1223		
2. For yield restricted funds, investment is not at a rate higher than permitted		

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3212 *Post-Issuance Disclosure Compliance*

In connection with the District's issuance of securities that are subject to the requirements of Securities and Exchange Commission Rule 15c2-12 ("Bonds"), the District may be subject to a continuing disclosure undertaking or agreement ("CDA") to disclose certain information after issuance of Bonds. A CDA may be found in the Bond issue's transcript of proceedings.

The chief business official ("Compliance Officer") will be responsible for establishing and coordinating compliance with this Policy.

If the Board determines that compliance with this Policy in a particular situation would impose an unreasonable burden on the District, it may forego compliance with the advice of bond counsel.

A. The Compliance Officer

1. The Compliance Officer will:

- a. monitor and verify compliance with the CDAs; and
- b. create and maintain an inventory of the District's outstanding financial obligations.
 - i. A financial obligation means:
 - a debt obligation or a guarantee of a debt obligation; or
 - a derivative instrument entered into in connection with, or pledged as security or a source of payment for, existing or future debt obligations or a guarantee of such derivative instrument.
 - ii. Financial obligation does not include any municipal security for which a final official statement has been provided to the Municipal Securities Rulemaking Board pursuant to Rule 15c2-12.

2. The District, at its cost, will provide the Compliance Officer with training and educational resources necessary to ensure compliance with the CDAs.

3. The Compliance Officer has authority to seek guidance from the District's bond counsel and financial advisors to comply with the CDAs.

B. Review of Offering Materials

When the District issues Bonds, the Compliance Officer will review the preliminary official statement, final official statement, and other applicable offering materials to ensure they do not:

1. contain any untrue statement of a material fact; or
2. omit any material fact that would need to be included to make the statements not misleading.

C. Post-Issuance Obligations

1. The Compliance Officer will review continuing disclosure requirements before each annual disclosure deadline.
2. The Compliance Officer's annual review will include ensuring the following information, where applicable, is reported to the proper repository (as of the date of adoption of this Policy, the repository is the Electronic Municipal Market Access website of the Municipal Securities Rulemaking Board at <http://www.emma.msrb.org>):
 - a. by December 27 of each year (unless the deadline differs in an applicable CDA):
 - i. audited financial statements for the most recently ended fiscal year in compliance with state laws, administrative rules, and generally accepted accounting principles applicable to the District as such principles are prescribed, in part, by the Financial Accounting Standards Board and modified by the Government Accounting Standards Board; and
 - ii. additional annual financial information and operating data set forth in the respective CDA or in the respective official statement for a particular Bond issue under the heading "CONTINUING DISCLOSURE" or similar heading.
 - b. notice of certain reportable events, subject in some cases to a determination of materiality by the District, within 10 business days after the occurrence. See each CDA for the respective list of events, which typically includes the following:
 - non-payment related defaults, if material;
 - modifications to rights of bondholders, if material;
 - bond calls, if material;
 - release, substitution, or sale of property securing repayment of the Bonds, if material;
 - the consummation of a merger, consolidation, or acquisition, or certain asset sales involving the District, or entry into or termination of a definitive agreement relating to the foregoing, if material;
 - appointment of a successor or additional trustee or the change of name of a trustee, if material;

- incurrence of a financial obligation by the District, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the District, any of which affect security holders, if material;
 - principal and interest payment delinquencies;
 - unscheduled draws on debt service reserves reflecting financial difficulties;
 - unscheduled draws on credit enhancements reflecting financial difficulties;
 - substitution of credit or liquidity providers, or their failure to perform;
 - defeasances;
 - credit rating changes, including the District's underlying rating or an enhanced rating on the Bonds due to credit enhancement;
 - adverse tax opinions or events affecting the status of the Bonds, the issuance by the IRS of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material events, notices, or determinations as to the tax status of the Bonds;
 - tender offers;
 - bankruptcy, insolvency, receivership, or similar event of the District; and
 - default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the District, any of which reflect financial difficulties.
- c. If the District retains a third party to assist the District with fulfilling its continuing disclosure responsibilities under any CDA, the Compliance Officer will annually review the contract and verify that the third party has fulfilled all of the District's continuing disclosure responsibilities.

Legal authority: 17 CFR 240.15c2-12; MCL 380.1351a

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3212-F Continuing Disclosure Compliance Checklist

To be completed annually by December 1 and placed in compliance file

Contracting With Outside Entity For Compliance

If a contracting entity performs continuing disclosure services for the District, complete the checklist below:

- Does the District have a written contract with that entity, and has the District reviewed it?
- Has the District or its auditor provided the financial and operating information, audit, and material events, as described below, to the contracting entity?
- Has the District reviewed the information that the contracting entity plans to post on EMMA on the District's behalf?
- Has the contracting entity provided the District with copies of the audit and operating data submissions to EMMA along with a cover sheet showing the filing date?
- Has the District contacted the contracting entity to verify that all material event notice filings are up to date? This includes underlying rating changes and may include rating changes for bond insurers and the State of Michigan.
- If the District is aware of any material events listed in Section V, has the District provided those to the contracting entity?
- Has the District verified that the contracting entity posted a known material event by providing a copy of the filing to the District?

If the District has contracted with another entity to post required information to EMMA on its behalf, the District does not need to complete sections II, IV & V of this checklist in detail. It is important, however, to be familiar with the requirements listed below and post Material Event Notices as they occur. Forward these to the District's contracting entity immediately upon receipt.

Outstanding Bonds & Agreements

Determine outstanding securities and review related Continuing Disclosure Agreements:

Name of Bond	Year	CUSIP #s	Final Maturity or Refunded	Disclosure Required?
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

3212-F Continuing Disclosure Compliance Checklist

Audits

- Has the District received the Audit Report from the auditor, and has the Board of Education approved it?
- Has the District checked Continuing Disclosure Agreement(s) to determine the deadline for filing the audit?
 - **Filing Deadline Confirmed:** ____/____/____
(generally 12/27 of every year)
- Has the District marked calendars for the date by which it expects to receive and file the audit report, and has the District determined who is responsible for posting on EMMA?
 - **Anticipated Filing Date:** ____/____/____

Operating Data

- Has the District checked Continuing Disclosure Agreement(s) to determine the earliest deadline for filing Operating Data?
 - **Filing Deadline Confirmed:** ____/____/____
(generally 12/27 of every year)
- Has the District marked calendars for the date by which it will file the Operating Data, and has the District determined who is responsible for posting on EMMA?
 - **Anticipated Filing Date:** ____/____/____
- Has the District drafted a written list of Operating Data categories as provided in the section captioned "CONTINUING DISCLOSURE" in the official statement or offering document for each outstanding bond issue?
 - **Operating Data Categories (e.g., taxable value, tax delinquencies, budget, enrollment data/history, debt statement):**

3212-F Continuing Disclosure Compliance Checklist

- Does the District have procedures in place to obtain and update Operating Data?
 - **Responsible party/parties for updating Operating Data:**

-
- Has the District contacted any other entities on whom the District may have to rely in order to obtain any Operating Data?

Material Events

Ask staff the following questions on a periodic basis, at least quarterly (*note that under SEC Rule 15c2-12 the District should report these events to EMMA and/or the contracting entity within 10 business days of occurrence*):

- Is the District in danger of missing a bond payment?
- Is the District in danger of defaulting on any other major covenants with respect to its bonds?
- Has the IRS (or any other federal agency) contacted the District about the District's bond issues?
- Has the District approved any new documents which substantially change the rights of bondholders?
- Have any of the District's outstanding bonds been refunded or otherwise called for redemption?
- Have any properties which are mortgaged as part of bond issues been sold, replaced, substituted, or had any other significant changes in title?
- Has a rating agency, such as Standard & Poor's or Moody's, contacted the District about a rating review? Has the District received any notifications from a rating agency? Does the District have any reason to believe the rating on its outstanding bonds is about to change?
- Is the District about to file bankruptcy or any other similar financial duress protection?
- Is the District about to merge, consolidate, or change in a similar fashion?
- Has the District's trustee bank merged, consolidated, or changed its name in a similar fashion? Has the District appointed new and/or additional trustee?
- Are any of the District's outstanding bonds insured? If so, has the District checked with its financial advisor or underwriter about any change in rating of the bond insurer?
- Are any of the District's outstanding bonds qualified for participation in the Michigan School Bond Qualification and Loan Program? If so, has the District checked with its financial advisor or the State of Michigan about any change in the State of Michigan's credit rating?
- Has the District issued any new borrowings for which no official statement was prepared (e.g., state aid note, tax anticipation note, installment purchase agreement)?
- Has the District agreed to modify the terms of any existing borrowings or experienced a default, termination, acceleration, or other similar event with respect to such borrowings?

3212-F Continuing Disclosure Compliance Checklist

If any question is answered “yes”, consider drafting a Material Event Notice to be posted on EMMA and/or consulting with the District’s bond counsel or financial advisor as soon as possible to discuss. The SEC requires a Material Event Notice to be posted within 10 business days of the occurrence of an event.

Notice of Failure to File

Have any of the District’s audits or Operating Data been posted on EMMA late? If so, has the District posted a Notice of Failure to File? Discuss this with the District’s financial advisor and bond counsel.

Compliance Officer

Date Completed

Series 3000: Operations, Finance, and Property

3200 Finance and Borrowing

3213 *Electronic Transactions of Funds and Automated Clearing House Arrangements*

The District may engage in electronic transactions of funds and automated clearing house arrangements in accordance with this Policy.

A. Definitions

1. "Automated clearing house" or "ACH" means a national and governmental organization with authority to process electronic payments, including the National Automated Clearing House Association and the Federal Reserve System.
2. "ACH arrangement" means an agreement between the originator and the receiver of an ACH transaction.
3. "ACH transaction" means an electronic payment, debit, or credit transfer processed through an ACH pursuant to an authorized ACH arrangement.
4. "Electronic transactions officer" or "ETO" means the Superintendent or another person designated by the Board to have the rights and responsibilities of the ETO set forth in this Policy.

B. ACH Arrangements and Transactions

Only the ETO may enter into an ACH arrangement. The chief business official or another employee designated by the ETO (ACH Supervisor) will be responsible for the District's ACH transactions, including payment approval, accounting, reporting, and overseeing compliance with this Policy.

C. Internal Auditing Controls

1. The ACH Supervisor and ETO will each separately review and approve in writing all incoming and outgoing payments. Written approvals will be retained in accordance with usual District procedures.
2. For outgoing payments, the ACH Supervisor will document:
 - a. the goods or services purchased;
 - b. the cost of the goods or services purchased;
 - c. the date of the payment; and
 - d. the department serviced by the payment.

This documentation can be contained in the District's electronic general ledger software system or in a separate report to the Board.

Legal authority: MCL 124.301 et seq.

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3301 Purchasing and Procurement

This Policy applies to all purchases of materials, supplies, and equipment. Purchases acquired through lease financing are governed by this Policy, but true leases (i.e., rental agreements) are not.

A. Responsibility for Purchasing

The District's administration, under the Superintendent's supervision, may purchase items for the District, subject to any parameters established by the Board.

B. When Competitive Bidding is Required

1. The District must competitively bid the purchase of an item or group of items costing an amount equal to or greater than the then-current state bid threshold published annually by MDE.
2. The District does not need to competitively bid a purchase in an emergency or if competitive bidding is not required by law.
3. The District will not artificially segregate purchases into smaller orders to avoid the bid threshold.

C. Bidding Procedure

1. The District may competitively bid a purchase using 1 or more of the following methods:
 - a. Requesting written price quotations from at least 3 known and practical vendors of an item;
 - b. Distributing a request for proposals to at least 3 known and practical vendors of an item;
 - c. Posting a request for proposals on the District's website or any other website that regularly informs vendors of bid opportunities;
 - d. Selecting a contract awarded to a winning bidder under a bid process operated by a reputable bid cooperative if the District determines, after reasonable due diligence, that the bid procedure used by the bid cooperative was fair and open, resulted in a bid award to the lowest responsible bidder, and the contract price is comparable to current market rates for the purchased item; or

- e. Any other process, in the Superintendent's or designee's discretion, that is likely to result in at least 3 known vendors providing bids for the item sought, regardless of whether at least 3 bids are actually received.
2. Each bidder responding to a request for proposals must certify that it is not an Iran-linked business as defined by MCL 129.312.
3. Awarding Bids
 - a. If competitive bidding is required by law, any contract must be awarded by the Board to the lowest responsible bidder.
 - b. In determining bidder responsibility, the District may take 1 or more of the following into account:
 - The District's experience with the bidder;
 - Others' experience with the bidder;
 - The bidder's history of satisfactory performance or questionable litigation, protests, or disputes;
 - The bidder's capitalization and solvency;
 - The length of time the bidder has been engaged in its business;
 - The recommendation of the District's professional consultants; and
 - Any other factor consistently and lawfully applied.
 - c. In any bid procedure, the District reserves the right to reject any or all bids or waive any informalities or irregularities in the bid process.
4. Michigan-Based Business Preference
 - a. The District may give up to a 10% preference to a bidder that is a Michigan-based business as defined by MCL 18.1268.
 - b. The Michigan-based business preference will not apply if federal funds are used for the purchase.

D. Purchases Using State Aid Act Funds

1. The District will not use state aid to purchase foreign goods or services if American goods or services are available, competitively priced, and of comparable quality.
2. The District will give a preference to goods or services manufactured or provided by Michigan businesses if competitively priced and of comparable quality.

3. The District will give a preference to goods or services manufactured or provided by Michigan businesses owned and operated by veterans if competitively priced and of comparable quality.

E. Purchases Using Federal Funds

Purchases made with federal funds and subject to the federal Uniform Grant Guidance are also governed by Policy 3301A.

Legal authority: 2 CFR 200.1 et seq.; MCL 129.311 et seq.; MCL 380.1274; MCL 388.1764c

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3301A Purchasing and Procurement with Federal Funds

This Policy applies to purchases of property and services with federal funds and subject to the Uniform Grant Guidance. All terms in this Policy have the same respective meanings as defined by federal regulation (2 CFR 200.1-99).

A. State Law Requirements Still Apply

Bidding requirements under Policy 3301 and Policy 3306, as applicable, remain enforceable in addition to any requirements in this Policy.

B. Procurement Methods

The District must use 1 of the following procurement methods that includes information sufficient to inform all potential bidders about the District's technical, service, and bid procedure requirements:

1. Purchases up to \$10,000 (micro-purchases)

- a. To the extent District administration determines that the cost of the purchase is reasonable, micro-purchases may be made or awarded without bidding in accordance with this Policy. For purposes of this subsection, "reasonable" means the purchase is comparable to market prices for the geographic area.
- b. To the extent practicable, the District will distribute micro-purchases equitably among qualified suppliers.

2. Purchases between \$10,000 and \$250,000 (small purchase procedures)

The District will use a bidding procedure in Policy 3301 subsection C.1., except that the District may use the bidding procedure in subsection B.1.a, above, for purchases up to the then-current state bid threshold published annually by MDE if the District satisfies the annual certification requirements of 2 CFR 200.320(a)(1)(iv).

3. Purchases over \$250,000

- a. The District must either receive sealed bids through formal advertising or prepare a comprehensive request for proposals and submit it to at least 5 sources.
- b. With either method, the District will perform a price analysis, making an independent estimate of costs before receiving bids.

- C. The District will take affirmative steps to assure that minority-owned businesses, women's business enterprises, and labor surplus area firms are included in bidding opportunities.
- D. A person may protest the veracity, conformity, or eligibility of a bid. The District will handle bid protests as follows:
 - 1. Within 48 hours of the time bid results are available, the protesting person will submit a written protest to the Superintendent describing in detail the nature of the protest;
 - 2. The Superintendent or designee will review the written protest, and the Superintendent may bring it to the Board's attention in the Superintendent's discretion; and
 - 3. A person's failure to file a protest as described above is an irrevocable waiver of the bid protest.

Nothing in this Policy reduces or eliminates the District's rights or protections afforded under the law.

- E. The District will retain all bids and formal bid solicitation documents for a period of 6 years after the bid opening date, or longer if required by law.

Legal authority: 2 CFR 200.1 et seq.

Date adopted: December 12, 2022

Date revised:

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3302 Acquisition of Real Property

The Board may acquire real property for any purpose through any means permitted by law.

- A. Acquisition costs must be reasonable, as determined by the Board. Reasonable cost may not be the same as fair market value.
- B. Subject to Board parameters and legal review, the Superintendent may obtain, negotiate, modify, and execute transaction documents for any Board-authorized acquisition of real property.
- C. The Board may meet in closed session to discuss the purchase or lease of real property as permitted by law.
- D. When title to real property is acquired, the District should provide written notice via registered mail to the local tax assessor by December 31 of the year of acquisition that the property will be tax-exempt.

Legal authority: MCL 15.268; MCL 207.501 et seq., 207.521 et seq.; MCL 380.553, 380.1225, 380.1351 et seq.; MCL 565.351 et seq.

Date adopted: November 8, 2021

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Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3302-F Tax Assessor Letter

To be sent on District letterhead

[Date]

Via Registered First Class Mail, Return Receipt Requested

[Mr./Mrs. _____]
Assessor for [_____]
[Address Line 1]
[Address Line 2]

Re: [Insert District Name] – Acquisition of Property Located within [Village/
Township/City] of [_____] , County of [_____] , State of Michigan,
Parcel Identification Number [_____] (the “Property”)

Dear [Mr./Mrs. _____]:

As provided in Section 7m of the General Property Tax Act, MCL 211.7m, I enclose a copy of a [Insert reference to conveying document, e.g., Warranty Deed, Quit Claim Deed, Memorandum of Land Contract] that confirms [Insert District Name] (the “District”) acquired the Property. The original [Insert reference to conveying document] has been sent to the [_____] County Register of Deeds for recording. Please take whatever action is necessary to ensure that the Property is exempt from taxation. Please note that the property is also exempt from taxation under Michigan Revised School Code Section 1141(1), MCL 380.1141(1).

Should you have any questions or concerns about this matter, please feel free to contact me.

Very truly yours,

[Name, Title]

[Contact Information]

Enclosure

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3303 Gifts and Donations

The Board recognizes and appreciates the generosity and support it receives in the form of gifts, donations, and voluntary contributions (“Donations”) from individuals, companies, parent/guardian support groups, the community, and other donors.

The District requests that substantial Donations be accompanied by Form 3303-F Gifts and Donations. All Donations made for a particular purpose must be accompanied by Form 3303-F.

A. Accepting Donations

1. Donations must be lawful and support an educational purpose.
2. Donations accepted by the District will become public funds or public property unless an exception is provided under applicable law.
3. The Board authorizes the Superintendent or designee to accept Donations of personal property with an estimated fair market value of \$5,000 or less. The Board retains authority, in its discretion, to accept Donations of personal property exceeding \$5,000.
4. The Board must approve all Donations of real property, regardless of value.
5. Donations accepted by the District will be used for any specific purpose identified by the donor provided the purpose is lawful and consistent with the District’s interests and objectives. A donor may identify the specific purpose of the Donation and any other lawful conditions using the District 3303-F.
6. Except as required by law, the District does not have an obligation to replace a Donation that is lost, destroyed, or becomes obsolete.

B. Soliciting Donations

1. The District may solicit donations in accordance with law, which may include pursuing an exemption from registration under the Charitable Organizations and Solicitations Act.
2. Any individual wishing to solicit donations on behalf of the District must obtain prior written approval from the Superintendent or designee before representing any affiliation with the District. Unless otherwise agreed by the Superintendent or designee, the individual will be responsible for all costs and liability related to the solicitation and all received donations will become the District’s property.

C. Scholarships are governed by Policy 3207.

D. A donor is solely responsible for any tax consequences related to a Donation.

Legal authority: MCL 123.905

Date adopted: November 8, 2021

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Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3303-F Gifts and Donations Form

The Board of Education recognizes and appreciates the generosity and support it receives from individuals, companies, parent/guardian support groups, the community, and other donors (“Donors”).

The District is a tax-exempt organization that may receive charitable contributions under Internal Revenue Service (IRS) Code Section 170(c)(1). The District may not be a tax-exempt organization under Section 501(c)(3). For additional information on deductions related to a donation (“Donation”) or charitable contribution, Donors are encouraged to consult with a tax professional. Donations to the District shall be treated as public funds to be used for a public and educational purpose in accordance with state and federal law.

Donor Information

Name of Donor: _____

Contact Person: _____

Address: _____

Phone: _____ Email: _____

If the Donor is an internal support group operating within the District as described under Policy 3106, please provide the following information, if applicable:

Describe student group or club, activity, or event:

3303-F Gifts and Donations Form

Donation Information

School building associated with Donation: _____

Insert "district-wide" if not associated with a particular school building.

Please indicate type of Donation and complete the appropriate section that follows.

- Cash Donation
- Real Property
- Personal Property (e.g., equipment, supplies)
- Other (e.g., services, capital projects, or other construction):

Cash or Monetary Donation:

Amount of Donation: \$ _____

Do not attach checks to this Form. The District will provide notification of acceptance or, if unable to accept, notification including the reason for non-acceptance.

Personal Property:

Description of Personal Property: _____

Estimated fair market value: * \$ _____

Real Property and Capital Projects:

Description of Real Property: _____

Estimated fair market value: * \$ _____

Pursuant to Policy 3303, donations of real property require approval by the Board of Education. The Superintendent or designee will contact Donors desiring to gift real property or complete capital projects for additional documentation as identified in Policy 3303.

Other:

Description: _____

* For specific information related to valuation, see IRS Publication 561, *Determining the Value of Donated Property*.

3303-F Gifts and Donations Form

Donation Purpose

Is the gift or donation for a specific purpose? Yes No

If yes, please describe the specific purpose (e.g., the District building, event or student club) as well as any other related details:

Is the Donation for the purchase of a gift or an award for recognition (e.g., volunteer services, student achievement, staff appreciation)? Yes No

If yes, please describe the purpose: _____

Do any other terms, conditions, or restrictions apply to the Donation? Yes No

If yes, please describe: _____

By signing this form, I understand and agree that:

The information provided is complete and accurate to the best of my knowledge and belief. I acknowledge that I have read and understand Board Policy 3303, Gifts and Donations, and understand that accepted Donations become public funds of the District unless a specific exception applies under law. Donor acknowledges that the District shall not be accountable to replace Donations that are lost, destroyed, or become obsolete. I further represent that I am an authorized representative of the Donor.

Signature: _____ Date: _____

Printed Name: _____

Title or Position (if Donor is other than an individual): _____

For Internal Use	
<input type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted
Date: _____	
Signature of Superintendent or Designee: _____	
<input type="checkbox"/> Donor Contacted by: _____	
<i>staff member name</i>	
Date: _____	
If approved by Board, date of Board meeting: _____	
Click or tap here to enter text.	

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3304 Use of District Property

A. Definitions

1. “Non-curricular education group” means a non-student group comprised of a substantial number of District students organized for the general benefit of students, such as Boy Scouts, Girl Scouts, 4-H, and other similar groups.
2. “Non-student group” means any group or persons, other than a student group, who requests to use District facilities and are supervised by at least 1 adult responsible for the group.
3. “Student group” means 1 or more students participating in District-sponsored curricular or extracurricular activities supervised by District personnel, such as an athletic team, student council, academic team, or student club.

B. General Facilities Use Guidelines

1. Rental fees for District facilities and equipment will be set by the Superintendent or designee.
2. Any person or group using District facilities must maintain order and safety, protect property, and restore the facilities to their condition before use.
3. The District may seek reimbursement from a user of its facilities for any costs the District incurs in opening, restoring, or cleaning such facilities.
4. The Superintendent or designee may deny a request to use the District’s facilities or equipment if the Superintendent or designee believes that the person or group does not have sufficient financial resources to cover costs required by this Policy or is unwilling to pay them.
5. No person or group using District facilities under this Policy may charge a fee for admission or parking unless approved in writing in advance by the Superintendent or designee.
6. Any person or group using the District’s facilities for any purpose must comply with all applicable laws, Board Policies, rules, and regulations.
7. For a non-student group that wishes to use a facility, a supervising adult must submit a written facility use request to the Superintendent or designee. The request, applicable rental fee, and other required documents must be received by the Superintendent or designee before any facility use will be considered. The supervising adult assumes primary responsibility for complying with subsection B.2.
8. Leasing District property is addressed in Policy 3305.

C. Use of District Facilities by Student Groups

1. The applicable building principal may determine the time and place of a student group's use of available District facilities.
2. Student groups may use available District facilities without charge.
3. The District may bear any costs associated with use by a student group (e.g., fees paid to a cook or a custodian).
4. Student groups have priority to use District facilities over non-student groups.

D. Use of District Facilities by Non-Student Groups

1. The Superintendent or designee may authorize or limit the use of District facilities by non-student groups consistent with this Policy and applicable law.
2. When any non-student group requests to use District facilities, the group may be required to provide proof of insurance, naming the District as an additional insured, with coverage acceptable to the Superintendent or designee.
3. Use must occur while the facility is available, with minimal interference to scheduled activities, custodians, or other student and personnel facility use.
4. The facility use will occur at times and places determined by the Superintendent or designee.
5. If non-student groups are authorized to use District facilities, the Superintendent or designee will prioritize their use in the following order:
 - a. non-curricular education groups;
 - b. community groups solely or jointly supporting the District (e.g., booster clubs, PTO);
 - c. government organizations within the District's geographic boundaries;
 - d. non-profit organizations whose activities are open to the general public and serve the community; and
 - e. all other non-student groups.

The Superintendent or designee has sole discretion to determine the classification of a non-student group.

6. The District's facilities are not public fora and a non-student group's access to such facilities does not create a public forum.
7. Denial of access
 - a. The Superintendent or designee may reject a non-student group's request to use District facilities if the group's use of the facilities is for a commercial

purpose. A booster club or other organization raising money purely for the support of a student group and not for personal profit is not considered a commercial purpose.

- b. The Superintendent or designee may lawfully restrict, exclude, or impose conditions on a person inappropriately using District facilities or violating this Policy. A person who refuses to comply may be considered a trespasser.

E. Use of Specialty Facilities by Application and Agreement

1. The District permits non-commercial use of the following facilities by persons for their personal health and wellness: weight room, track, and associated locker-room facilities (the “Specialty Facilities”). The District may authorize use of the Specialty Facilities on an annual] basis on conditions determined by the Superintendent or designee, which may include a waiver and use agreement.
2. A person using the Specialty Facilities must comply with applicable provisions of this Policy.
3. A person failing or refusing to abide by this Policy may lose the privilege of using the Specialty Facilities.
4. Users of Specialty Facilities acknowledge that they have reduced privacy rights while on District property and that lockers may be subject to search by District officials.

F. Using District Personal Property

1. A person may use District personal property for non-school use only with the prior permission of the Superintendent or designee.
2. The District may seek reimbursement from a user of its personal property for any costs the District incurs in repairing or replacing such personal property.

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3304-F Facilities Use Request Form

Requester Name ("Requester"): _____

Organization Name ("Organization"), if applicable: _____

Requester's Position within Organization: _____

Address: _____

Phone Number: _____ Email: _____

- Type of Group: Student Group
 Non-Curricular Education Group
 Non-Student Group

Is your organization a registered 501(c)(3) or other nonprofit? Yes No

Is your organization a governmental body? Yes No

Description of Requested Use: _____

Date of Requested Use: _____ Approximate Number of Attendees: _____

Start Time: _____ End Time: _____

Facilities/Room(s) Requested: _____

- Additional Requests: Equipment
 Custodial (set up, tear down, cleaning)
 Kitchen (cooking, serving, cleaning)
 Technology (sound, lighting)
 Miscellaneous/Special Requests

If yes to any, please describe: _____

Will a fee be charged for admission and/or parking? Yes No

3304-F Facilities Use Request Form

Name of Supervising Adult (if other than Requester): _____

As the Supervising Adult, I have read and understand Policy 3304, Use of District Property. I will abide by, and I will ensure that all permitted attendees abide by, the terms of that Policy.

I understand that submitting this request does not guarantee my requested use of District property. I will not access District facilities related to this request, nor will I allow such access by individuals affiliated with the Organization (if applicable), without first obtaining permission from the Superintendent or designee.

I acknowledge that: (i) student groups take priority over non-student groups; (ii) I may have to pay a fee to use the requested District facilities; (iii) I am primarily responsible to supervise the event, maintain order and safety, and protect District property; (iv) I am primarily responsible for any damage caused to District property related to the event; and (v) I may be required to provide proof of adequate insurance before using District property. Both for myself and the Organization (if applicable), I agree to indemnify and hold harmless the District from any personal injury or property damage incurred because of the use(s) requested herein.

Signature: _____ Date: _____

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3305 *Sale or Lease of District Property*

The District may, in accordance with applicable law, sell, lease, or otherwise convey (each, a “transfer”) its property, whether real or personal. Subject to Board parameters and legal review, the Superintendent may obtain, negotiate, or modify transfer documents for any Board-authorized transfer of District property.

- A. The District may consider both solicited and unsolicited offers to transfer its property. The District may market its property through any lawful process, including employing a real estate broker, publicly listing the property for a specific price, soliciting bids, or holding an auction.
- B. The Superintendent or designee will contact the District’s financial advisor or legal counsel to investigate any tax consequences from the transfer of District property financed with tax-exempt obligations.
- C. Except for a transfer in subsection D, the District may only transfer its property in exchange for value deemed fair by the Board. An appraisal may be obtained but is not required.
- D. The District may transfer real property to a public entity for less than fair value if the property is subject to a lawful public purpose deed restriction.
- E. The District may not impose a deed or use restriction that is prohibited by law.
- F. The transfer of District real property is exempt from transfer tax.

Legal authority: Const 1963, art 9, § 18; MCL 123.1045; MCL 207.505, 207.526

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3306 Construction Bidding

The Board will comply with applicable laws and this Policy for the construction of a new school building or an addition to or repair or renovation of an existing school building (a "Construction Project").

A. When Competitive Bidding is Required

1. The District must competitively bid all labor and material for a Construction Project if the project cost exceeds the then-current state bid threshold published annually by MDE (the "Bid Threshold").
2. The District does not need to competitively bid a:
 - Construction Project costing less than the Bid Threshold;
 - contract for repair in emergency situations;
 - repair normally performed by District employees; or
 - professional consultant contract.

B. Bidding Procedure

1. If competitive bidding is required, the District must follow the bidding procedure prescribed by Revised School Code Section 1267 and award contracts to the lowest responsible bidder.
2. To determine whether a bidder is a responsible bidder, the District may consider the factors enumerated in Policy 3301 subsection C.3.b.
3. If competitive bidding is not required, the District may use any lawful means to procure contracts.
4. Each bidder must certify that it is not an Iran-linked business as defined by MCL 129.312.

C. Alternates

1. Bid specifications may require bidders to submit bids with mandatory alternates or allow bidders to submit voluntary alternates; provided, however, that no voluntary alternate may change the nature of the work.
2. The Board, in its discretion, may award bids based on allowable alternates.

D. Michigan Business Preference

For any Construction Project, the District may apply a preference to a Michigan-based business as described in Policy 3301 subsection C.4.

E. Construction Bidding Using State Aid Act Funds

The purchase of property and services made with state aid must comply with the requirements described in Policy 3301 subsection D.

F. Construction Bidding Using Federal Funds

The purchase of property and services made with federal funds subject to the Uniform Grant Guidance are also governed by Policy 3301A.

Legal authority: 2 CFR 200.1, et seq.; MCL 129.311 et seq.; MCL 380.1267; MCL 388.1764c

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Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3306-F-1 Familial Disclosure Affidavit to Accompany Construction Bids

Affidavit of [insert name of affiant]

State of Michigan)
County of _____)ss

[insert name of affiant] makes this Affidavit under oath and states as follows:

A. I am a/the:

- President
Vice President
Chief Executive Officer
Member
Partner
Owner
Other (please specify)

of [insert name of firm] (the "Contractor").

B. I have personal knowledge and/or I have personally verified that the following are all of the familial relationships existing between the owner(s) and the employee(s) of the Contractor and the District's Superintendent and/or Board members:

Blank lines for listing familial relationships.

C. I have authority to bind the Contractor with the representations contained herein, and I am fully aware that the District will rely on my representations in evaluating bids.

3306-F-1 Familial Disclosure Affidavit to Accompany Construction Bids

D. I declare the above information to be true to the best of my knowledge, information, and belief. I could completely and accurately testify regarding the information contained in this Affidavit if requested to do so.

Signature of Affiant

Date

Subscribed and sworn before me in _____ County,

Michigan, on the ____ day of _____, 20____

(signature)

(printed)

Notary public, State of Michigan, County of _____

My Commission expires on _____

Acting in the County of _____

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3300 Facilities, Real, and Personal Property

3306-F-2 Iran Economic Sanctions Act Certification

Iran Economic Sanctions Act Certification to Accompany Construction Bids

I am the [job or position title] of [name of bidder], or I am bidding in my individual capacity (“Bidder”), with authority to submit a binding bid to the District. I have personal knowledge of the matters described in this Certification, and I am familiar with the Iran Economic Sanctions Act, MCL 129.311, et seq. (“Act”). I am fully aware that the District will rely on my representations in evaluating bids.

I certify that Bidder is not an Iran-linked business, as that term is defined in the Act. I understand that submission of a false certification may result in contract termination, ineligibility to bid for three (3) years, and a civil penalty of \$250,000 or twice the bid amount, whichever is greater, plus related investigation and legal costs.

Signature

Date

Printed Name

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3306-F-3 Bid Advertisement Checklist

Content of Bid Advertisement

Each bid advertisement must include the following information:

- Location where bids will be received
- Date and time of bid deadline
- Time and place of a public bid opening
- A statement that late bids will not be considered or accepted
- A statement requiring each bidder to submit a Familial Disclosure Affidavit
- A statement requiring bid security of at least 5% of the bid amount

Placing Bid Advertisement

Each bid advertisement must be posted:

- Once in a newspaper of general circulation within the District
- For at least 2 weeks on the State-designated bid website (SIGMA)

Bid Opening

Each bid opening must:

- Take place at the location designated in the bid advertisement
- Be open to the public
- Have a Board designee open and read aloud each bid

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3307 Construction Administration

This Policy sets forth procedures and requirements for District building and site improvements. Bidding requirements for construction appear in Policy 3306.

A. Plan Review

1. Before commencing construction, the District, or an authorized agent on the District's behalf, will submit project plans and specifications to the Michigan Bureau of Construction Codes Plan Review Division.
2. Alternatively, the District may submit the plans and specifications to the applicable local building department if the Board and the municipality's governing body have properly certified that full-time code officials, inspectors, and plan reviewers registered under the Skilled Trades Regulation Act will conduct plan reviews and inspections. In that situation, the District must also submit the plans and specifications to the Bureau of Fire Safety.
3. Reserved
4. Before the District commences new construction or major renovation of a school building or athletic facility, the Superintendent or designee will consult with the law enforcement agency that will be the first responder for that building or facility about safety issues.

B. Professional Consultants

1. If the total cost of a school building project will be \$15,000 or more:
 - a. a Michigan-licensed architect or professional engineer must prepare the plans and specifications; and
 - b. a qualified person or firm must supervise construction as provided in MCL 388.851.
2. The District may hire a construction manager for any project. If the construction manager also performs construction, either directly or by assuming responsibility for the work of other contractors (e.g., construction manager as constructor):
 - a. the construction manager may not supervise such construction under MCL 388.851; and
 - b. the District must still bid the project as required by law.

C. Payment and Performance Bonds

1. For all contracts described in MCL 129.201 that exceed \$50,000, the principal contractor must procure performance and payment bonds in accordance with law.
2. Unless the Superintendent or designee determines otherwise, the District requires payment and performance bonds to be 100% of the contract sum.
3. The responsibility for procuring payment and performance bonds rests solely with the contractor. The District has no duty to ensure that a contractor has procured a payment or performance bond.

Legal authority: MCL 129.201 et seq.; MCL 339.6001 et seq.; MCL 380.1263, 380.1264;
MCL 388.851 et seq.

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3308 *Distribution of Printed Material and Advertising in School*

District facilities may be used to advertise or distribute printed information for commercial or promotional purposes (“Advertisement”) in accordance with this Policy. An approved Advertisement does not reflect the District’s approval or endorsement of any product, organization, service, or issue referenced in the Advertisement. An Advertisement does not include public recognition or commemoration of District or student organization donors and sponsors.

A. General Restrictions on Advertisements

1. No Advertisement may:

- violate law or Policy or urge a violation of law or Policy;
- lie or mislead;
- advocate the use, or advertise the availability, of tobacco (including e-cigarettes), alcohol, cannabis/marijuana, illegal drugs, or related paraphernalia;
- contain a statement or image that describes or displays profanity, pornography, sexual activity, nudity, violence, serious injuries, or corpses;
- incite violence or advocate the unlawful use of force;
- invade a person’s privacy;
- violate a trademark, copyright, patent, or other intellectual property right;
- include material inappropriate for the maturity level of the students exposed to the Advertisement; or
- create a likelihood of a material and substantial disruption.

2. The District may regulate Advertisement content within legally permitted parameters.

3. The District may determine the size, location, and times of display of all Advertisements.

B. Student Group Advertisements

1. A student group is 1 or more students participating in District-sponsored curricular or extracurricular activities supervised by District personnel, such as an athletic team, student council, academic team, or student club.

2. A student group may use District facilities for that group's Advertisements with the prior approval of the applicable building principal or designee.
3. A non-student group Advertisement that appears within materials produced or distributed by a student group (e.g., yearbooks, student newspapers, and athletics or student club publications) is considered a non-student group Advertisement.

C. Non-Student Group Advertisements

1. A non-student group Advertisement is any Advertisement that is not considered a student group Advertisement or District speech.
2. A non-student group Advertisement must:
 - include a statement explaining that the group is not affiliated with, or endorsed by, the District;
 - receive prior approval from the Board or Superintendent or designee; and
 - be subject to a written contract with the District describing each party's obligations and rights.
3. A non-student group Advertisement may not reference a political candidate or ballot question.
4. A non-student group Advertisement, if approved, is not intended to generate revenue and does not create a forum for speech or expression.

D. School Bus Advertisements

1. An Advertisement may not appear on the exterior of a school bus.
2. The District may allow an Advertisement in a school bus interior to the extent consistent with MDE's "Advertising Inside School Buses" guidelines: https://www.michigan.gov/documents/mde/Advertising_Inside_School_Buses_325476_7.pdf. A school bus Advertisement is otherwise subject to the same restrictions and approval procedures as other Advertisements.

E. District Speech

An Advertisement does not include material used to promote, inform, or collect funds for a product or service the District uses or authorizes in the performance of its educational operations, regardless of whether the product or service is provided by a non-student group. That material is considered the District's speech. Examples include, but are not limited to, material distributed by District vendors whose products or services the District uses or encourages students or staff to use.

Legal authority: MCL 257.1833

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 3000: Operations, Finance, and Property

3300 Facilities, Real, and Personal Property

3309 *Bus Inspections*

- A. Each school bus used to transport students to or from school or school-related events must meet or exceed safety standards required by law.
- B. The Michigan State Police or its authorized designee must inspect a new school bus before the District accepts delivery. The District may not accept delivery of a new school bus unless it passes inspection.
- C. The Michigan State Police or its authorized designee must inspect each school bus annually. Use of a school bus may be approved, restricted, or prohibited based on the results of an inspection.
- D. Any entity providing school bus services to the District may only use school buses that have passed inspection by the Michigan State Police.

Legal authority: MCL 257.1810, 257.1839, 257.1841, 257.1843

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3400 School Safety and Security

3401 School Cancellation, Delay, and Early Dismissal

The Superintendent may close, delay, or dismiss school, and cancel or alter any school-related activities, to protect the health, safety, and welfare of students, employees, and others. The Superintendent will endeavor to timely and accurately notify persons affected by schedule alterations.

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3400 School Safety and Security

3402 Drills, Plans, and Reports

The Board will take reasonable steps to provide a safe and secure learning environment to protect students and employees.

- A. Emergency Drills. The Superintendent or designee will schedule, notify, conduct, report, and post all fire, tornado, and other emergency drills as required by law.
- B. Cardiac Emergency Response Plan. The Board will develop, adopt, and provide for annual review a cardiac emergency response plan as required by law.
- C. Cooperation. The Superintendent or designee will act as liaison to work with the School Safety Commission and the Office of School Safety, including to identify model practices for determining school safety measures.
- D. Safety and Emergency Plans. The Board will comply with the statewide school information policy, and the Superintendent or designee will provide all reports, information, and notices required by that policy. If the policy does not satisfy the requirements of Revised School Code Section 1308b(3), the Board will develop and adopt an emergency operations plan with public input and participation by at least 1 law enforcement agency having jurisdiction over the District. The statewide school information policy or the emergency operations plan, as applicable, will be reviewed every 2 years in conjunction with at least 1 law enforcement agency having jurisdiction over the District. The Board will notify MDE within 30 days after completing a required review.
- E. Reporting Incidents of Crime. Each building principal will collect and update information at least weekly on incidents of crime in the applicable building. At least annually, the Board will post information on its website about incidents of crime in the District and will make this information available to parents and guardians on a per-building basis. Within 24 hours after an incident occurs, the Superintendent or designee will report to the Michigan State Police crimes and attempted crimes identified in MCL 380.1310a(2).

Legal authority: MCL 29.19; MCL 380.1241, 380.1308, 380.1308a, 380.1308b, 380.1310a

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3400 School Safety and Security

3403 *Reporting Accidents*

If a student suffers a serious physical injury while at school or while participating in a school-sponsored activity, District personnel, if aware of the injury, will promptly report the injury to the building principal or designee. If the student is a minor, the building principal or designee will promptly notify the student's parent(s)/legal guardian(s) and complete an accident report. See Policy 5702.

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3400 School Safety and Security

3404 Communicable Diseases

A person with a communicable disease will be restricted only to the extent necessary to prevent the transmission of the disease, protect the person's health and privacy rights, and protect the health and safety of others.

The Michigan Department of Health and Human Services maintains a list of reportable diseases and infections, including those capable of being transmitted to a person. The District will work cooperatively with the local health department to identify, report, and contain diseases and infections in accordance with applicable laws and local health department policies and guidance.

- A. District personnel will immediately notify the Superintendent or applicable building principal when they reasonably suspect the presence of a listed communicable disease.
- B. When it is reasonably suspected that a person has a communicable disease (except for AIDS or HIV infection), the Superintendent or building principal may exclude the person for a period sufficient to obtain a determination by a physician or local health officer as to the presence of a communicable disease.
- C. A person excluded under subsection B may return to school and school-related activities when a physician or local health officer determines that the person does not represent a risk to others.
- D. The Superintendent or applicable building principal will report to the local health department within 24 hours after suspecting either of the following:
 - 1. The occurrence of a serious communicable disease listed by the Michigan Department of Health and Human Services (except for AIDS or HIV infection); or
 - 2. The unusual occurrence, outbreak, or epidemic of any disease, infection, or condition within the District.
- E. Reports, records, data, and other information associated with AIDS or HIV may be subject to heightened confidentiality requirements in accordance with MCL 333.5131.

Legal authority: MCL 333.5111, 333.5131; Mich Admin Code R 325.171-173, 325.175

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3400 School Safety and Security

3405 Bloodborne Pathogens

Bloodborne pathogens and other infectious body fluids can be transmitted through contact with skin, eyes, mouth, and mucous membranes, including by needle sticks, cuts, punctures, and bites. The District will observe universal precautions to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids will be considered potentially infectious materials.

The District will provide vaccines, training, and post-exposure evaluations at no charge to employees whose duties are reasonably anticipated to result in occupational exposure to blood or other infectious materials.

“Bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. Those pathogens include hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

“Universal precautions” means a method of infection control that treats all human blood and other potentially infectious material as capable of transmitting HIV, HBV, and other bloodborne pathogens.

Legal authority: 29 CFR 1910.1030; Mich Admin Code R 325.70004

Date adopted: November 8, 2021

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Series 3000: Operations, Finance, and Property

3400 School Safety and Security

3406 *Integrated Pest Management*

The District will monitor, manage, and treat pests on District property.

A. Pest Application

1. The Board does not authorize the application of a pesticide on District property unless a written integrated pest management program is in place for that property. The Superintendent or designee will develop, evaluate, and modify site-specific integrated pest management programs in accordance with law.
2. The Board only authorizes the lawful application of a pesticide by a certified or registered applicator who has been properly trained. After the application of a pesticide, a person may only reenter District property in compliance with restrictions identified by the applicator and required by law.
3. A “pesticide” does not include sanitizers, germicides, disinfectants, or antimicrobial agents.

B. Notice

1. Within 30 days after the beginning of each school year, the Superintendent or designee will provide notice to students’ parents/guardians that they will receive advance notice of the application of a pesticide.
2. Except in an emergency, the Superintendent or designee will provide at least 48 hours’ advance notice to students’ parents/guardians of the application of a pesticide. In an emergency, the Superintendent or designee will provide notice to students’ parents/guardians promptly after a pesticide has been applied.
3. Notices will comply with methods, time frames, and information requirements established by MCL 324.8316.
4. Notices are not required for the application of a pesticide that is a bait or gel formulation.

C. Records

Each building will maintain a copy of its integrated pest management program. Records of pesticide use and other non-pesticide pest management practices will be maintained on site.

Legal authority: MCL 324.8316; Mich Admin Code R 285.637.1 et seq.

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3400 School Safety and Security

3406-F-1 Annual Pesticide Application Notice

To be sent on District letterhead

[Date]

Dear Parent or Guardian:

As part of its integrated pest management program, the District annually notifies its students' parents/guardians that they will be given at least 48 hours' advance notice before the non-emergency application of a pesticide on school grounds (other than application pursuant to a bait or gel formulation).

Notice will be provided by posting at the school's entrances and by [Choose one: (i) posting in a public, common area of the school, other than the entrances; (ii) email; (iii) a telephone call to parents/guardians resulting in either direct contact or a recorded message; (iv) providing students with written notice to be delivered to their parents/guardians; or (v) posting on the District's website]. In addition to this notice, and upon request only, parents/guardians are entitled to receive notice by first-class mail postmarked 3 days before an application. Requests for this additional notice must be in writing and directed to me or to the person listed below.

Pesticides may be applied without advance notice in an emergency. The District will promptly notify parents/guardians as set forth herein after any emergency application.

The District's integrated pest management program and pesticide application records are available for review. The person responsible for the school's pesticide application procedures is:

Name: [Name of person responsible]
Phone: [Phone number of person responsible]
Email: [Email of person responsible]

Please contact me if you have any questions about this correspondence.

[Printed Name], Superintendent
[Contact Information]

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3406-F-2 Advance Pesticide Application Notice

To be sent on District letterhead

[Date]

Dear Parent or Guardian:

As part of its integrated pest management program, the District provides notice to students' parents/guardians at least 48 hours before the non-emergency application of a pesticide on school grounds (other than application pursuant to a bait or gel formulation).

On [_____, 20____ (date of expected application)], a pesticide will be applied at [_____] (name and address of school facility)]. The application is intended to target [_____] (type of pest)].

The person responsible for maintaining records with specific information on pest infestation and actual pesticide application is:

Name: [Name of person responsible]
Phone: [Phone number of person responsible]
Email: [Email of person responsible]

For additional information related to pesticide use, please contact the National Pesticide Information Center at (800) 858-7378 or the Michigan Department of Agriculture and Rural Development at (800) 292-3939.

[Printed Name], Superintendent
[Contact Information]

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3400 School Safety and Security

3407 Asbestos Management

The District will maintain an asbestos management plan for each school building and otherwise comply with the requirements of the Asbestos Hazard Emergency Response Act (AHERA) and related regulations.

- A. Each asbestos management plan will address building inspections, re-inspections, preventative measures, periodic surveillance, response actions, operations and maintenance, notices, and other information required by law.
- B. Each school building will maintain in its administrative offices a complete, updated copy of the asbestos management plan for that school building. The District's administrative offices will maintain complete, updated copies of asbestos management plans for all school buildings. The District will make asbestos management plans available for inspection without cost but may charge a reasonable amount to make copies.
- C. The District will provide training and information, maintain records, and perform asbestos-related obligations with accredited persons as required by law.
- D. The Board designates the maintenance director to oversee the District's compliance with the asbestos management plan and AHERA.

Legal authority: 15 USC 2641 et seq.; 29 CFR 1910.1001(k)(9)(ii), 1910.1101(j)(7)(ii); 40 CFR 763 Subpart E; MCL 388.861 et seq.

Date adopted: November 8, 2021

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Series 3000: Operations, Finance, and Property

3400 School Safety and Security

3408 Firearms and Weapons

The District is a weapon-free school zone. Except as otherwise permitted by Policy or required by applicable law, a person may not possess a weapon on District property. See also Policy 5206. Each person on District property must also comply with the federal Gun Free Schools Zone Act.

A. As used in this Policy:

1. Reserved
2. A “firearm” means any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
3. “Pistol” means that term as defined by MCL 28.421.
4. “District property” means:
 - a. a building, playing field, or property used for school purposes to impart instruction to students or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses; and
 - b. a vehicle used by the District to transport students to or from a place described in subsection A.4.a above.
5. A “weapon” means a firearm, pneumatic gun, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles, or any other object used, intended, or represented to inflict serious bodily injury or property damage.

B. Permitted Uses

The following persons may possess a weapon on District property:

1. A peace officer as defined by law;
2. A student’s parent or guardian licensed to carry a concealed pistol may carry a concealed pistol (but no other weapons) while in a vehicle if the parent or guardian is dropping the student off at, or picking the student up from, the student’s school;
3. A person with permission from the Superintendent or designee to possess a firearm (but no other weapons) within any lawful parameters established by the Board;

C. Violations

1. Students and District personnel with knowledge that a person is in violation of this Policy should immediately report the violation to the building principal or designee.
2. Violation of this Policy will result in discipline of students, employees, and contractors, up to and including expulsion or termination, removal from District property, and referral to law enforcement.

Legal authority: 18 USC 921; MCL 28.425f, 28.425o; MCL 750.237a

Date adopted: November 8, 2021

Date revised:

Series 3000: Operations, Finance, and Property

3500 FOIA Requests and Record Retention

3501 Freedom of Information Act

The District is a “public body,” as defined in Section 2 of the Michigan Freedom of Information Act (FOIA). It is the District’s policy to comply with FOIA.

The Superintendent is the District’s FOIA Coordinator but may designate another person to accept, process, approve, and deny FOIA requests. The Superintendent will establish written procedures and guidelines, a written public summary of the procedures and guidelines, and a detailed itemization of fees form in compliance with FOIA. The procedures and guidelines will not provide for fee appeals to the Board.

Legal authority: MCL 15.231 et seq.

Date adopted: November 8, 2021

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Series 3000: Operations, Finance, and Property

3500 FOIA Requests and Record Retention

3501-AG Michigan Freedom of Information Act Procedures and Guidelines

The Michigan Freedom of Information Act (FOIA) provides for public access to certain public records, permits the charging of prescribed fees and deposits, and provides remedies and penalties for non-compliance. A person has a right to inspect, copy, or receive copies of certain requested public records. Some public records are permitted or required not to be disclosed. The District is a public body that must comply with FOIA. The District has established the following Procedures and Guidelines to implement FOIA. For purposes of these Procedures and Guidelines, terms have the same meaning as defined in FOIA. A complete copy of FOIA is available on the Michigan Legislature's website at www.legislature.mi.gov.

These Procedures and Guidelines (which include a Public Summary and a Fee Itemization Form) are available on the District's website at: www.forestarea.org. This link or a physical copy of these Procedures and Guidelines will be included in each of the District's FOIA responses. Paper copies of these Procedures and Guidelines are available upon request by a visitor at the District's Central Administration Offices, located at 7741 Shippy Rd SW, Fife Lake, MI 49633.

A. Written Public Summary

1. How to Submit Written Requests

A written request to inspect, copy, or review a public record should be submitted to the District's FOIA Coordinator.

FOIA requests can be sent via U.S. Mail to: 7741 Shippy Rd SW, Fife Lake, MI 49633

FOIA requests sent via email should be sent to: jrothwell@forestarea.org

FOIA requests sent via fax should be faxed to: (231) 369-4153

A request must describe the public record in sufficient detail to enable the District to find the requested record. A sample Request Form is appended to these Procedures and Guidelines as Attachment A.

A request must include the requester's (1) complete name (first and last name), (2) mailing address, and (3) either phone number or email address. A request made by an organization must include the contact information of its agent or representative. Any mailing address provided must be in a format that complies with United States Postal Service addressing standards. This information is not required for a request by an individual who qualifies as indigent under FOIA (i.e., by submitting an affidavit that describes the individual's indigence).

A person may subscribe to future issuances of public records created, issued, or disseminated by the District *on a regular basis*, such as notices of board meetings. A subscription is valid for up to 6 months and may be renewed by the subscriber.

In lieu of paper copies, the requester may stipulate that the District provide non-exempt public records on non-paper physical media, electronically mailed, or otherwise electronically provided. The District is not required to produce non-exempt public records on non-paper physical media if the District lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. The District is not required to use non-paper physical media provided *by the requester* and, to safeguard the District's information technology infrastructure, will not do so.

A person may request a certified copy of a public record.

2. Explanation of Written Responses

The District will respond to a written request under FOIA within 5 business days (excluding weekends and legal holidays) after the District receives the written request, unless otherwise agreed to in writing by the requester. FOIA defines the date of receipt by the District differently depending upon how the request was delivered to the District (e.g., hand-delivery, U.S. Mail, email, facsimile).

The District will respond to a request by doing one of the following: (a) granting the request; (b) issuing a written notice denying the request; (c) granting the request in part and issuing a written notice denying the request in part; or (d) issuing a notice extending for not more than 10 business days the period during which the District will respond to the request. The District will not issue more than 1 notice of extension for a particular request.

If a requester asks for information that is available on the District's website, the District will notify the requester in its response where to find the records on its website. Paper copies of public records available on the District's website will be made available upon request, but a fee may be charged as explained in Section B.4 and on the detailed Fee Itemization Form.

The District will provide reasonable facilities for a requester to inspect non-exempt public records. The facilities will be available during the District's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which a requester may inspect records to protect the District's records from loss, alteration, mutilation, or destruction or to prevent undue interference with the District's normal operations.

If a request is denied in whole or in part, the District will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the District. A sample

Certificate of Non-Existence of Public Record is appended as Attachment B. If a public record or information is separated and exempt from disclosure (redacted), the District will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

3. Deposit Requirements

Where the District estimates that the fee authorized under the FOIA and these Procedures and Guidelines for responding to a request will exceed \$50, the District may require a good-faith deposit from the requester before processing the request. A good-faith deposit will not exceed half of the total estimated fee and will include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requester with a detailed itemization of the allowable fees estimated to be incurred by the District to process the request as well as notice of the date by which the deposit must be received, which is 48 days after the notice is sent by any means of transmission. The District will include with its request for a good-faith deposit a best efforts estimate of the time frame within which the District will provide the requested public records. The time frame estimate is not binding on the District but will be made in good faith, and the District will strive to be reasonably accurate.

If a requester previously requested public records from the District and if the District made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, the District may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

If a requester fails to pay the good-faith deposit within 48 days after the date of the deposit notice and if the requester has not appealed the deposit amount, the request will be considered abandoned and the District will no longer be required to fulfill the request.

4. Fee Calculations

The FOIA permits the District to charge 6 fee components: (a) labor costs of searching for, locating, and examining public records; (b) labor costs of separating or deleting (redacting) exempt information from non-exempt information; (c) labor costs to duplicate or publish requested public records; (d) actual costs of paper copies (not to exceed 10 cents per sheet for standard 8-1/2 by 11-inch sheets of paper or 8-1/2 by 14-inch sheets of paper); (e) actual costs of non-paper physical media (e.g., flash drive, CD), if requested and if the District has the technological capability to comply; and (f) actual costs of postal delivery. For more detailed information about the District's fee calculations, including fee reductions for untimely responses, see Section B.4. of these Procedures and Guidelines and Attachment C, Fee Itemization Form. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.

- a. Fee Waivers. A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the District determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.
- b. Discounts. Under the following circumstances, a public record search will be made by the District and a copy of a non-exempt public record will be furnished without charge for the first \$20 of the fee:
 - i. If an individual who is entitled to information under the FOIA:
 - submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and
 - that individual has not previously received discounted copies of public records from the District twice during the same calendar year.
 - ii. If a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, submits a request that meets all of the following requirements:
 - is made directly on behalf of the organization or its clients;
 - is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931; and
 - is accompanied by documentation of its designation by the state, if requested by the District.

5. Avenues for Challenge and Appeal

- a. Challenge to Record Denial. If the District fails to respond to a FOIA request or makes a final determination to deny all or a portion of a request, the requester may submit an appeal to the Board or may commence an action in the circuit court for the county in which the public record or the District's office is located. See Section B.5.a. of these Procedures and Guidelines for a more detailed explanation of the procedures and timelines for appealing a record denial.
- b. Challenge to Fee. If the District requires a fee that the requester believes exceeds the amount permitted under FOIA or the District's publicly available procedures and guidelines, the requester may commence an action in the circuit court for the county in which the public record or the District's office

is located. See Section B.5.b. of these Procedures and Guidelines for a more detailed explanation of the procedures and timelines for a fee appeal.

B. Procedures and Guidelines

1. Requests

- a. All “persons,” except those persons incarcerated in state or local correctional facilities, are entitled to submit a FOIA request to the District. A “person” is defined for purposes of the FOIA to mean “an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity.” A request made by a “person,” other than an individual (e.g., a corporation, firm, governmental entity) must include the requester’s complete name (first and last name), mailing address, and either the phone number or email address of the “person’s” agent who is an individual. Any mailing address provided must comply with United States Postal Service addressing standards.
- b. A FOIA request is a written request to inspect, copy, or receive copies of a public record. A request must describe the public record in sufficient detail to enable the District to find the requested record. The District suggests that requesters use the sample Request Form appended as Attachment A.
- c. FOIA requests must be in writing. If, however, a person makes an oral request for information that is available on the District’s website and if the employee to whom the request is directed knows that the information is available on the District’s website, that employee must inform the requester that the information is available on the District’s website.
- d. The District’s FOIA Coordinator is responsible to process requests to inspect, copy, or receive copies of public records. FOIA requests should be sent to the District’s FOIA Coordinator.
 - i. FOIA requests can be sent via U.S. Mail to: 7741 Shippy Rd SW, Fife Lake, MI 49633
 - ii. FOIA requests sent via email should be sent to: jrothwell@forestarea.org
 - iii. FOIA requests sent via fax should be faxed to: (231) 369-4153

If an employee of the District receives a written request to inspect, copy, or receive copies of a public record, the employee should promptly forward the request to the District’s FOIA Coordinator. A requester is not required to use the District’s sample Request Form or to include the word “FOIA” in the request. Therefore, all written requests to inspect, copy, or receive copies of records should be promptly forwarded to the FOIA Coordinator for review.

- e. The FOIA Coordinator will keep a copy of all written requests for public records received by the District on file for a period of at least 1 year.
- f. A person may subscribe to future issuances of public records created, issued, or disseminated on a regular basis, such as notices or agendas of board meetings. In all other respects, if the requested public record does not exist as of the date requested, the District has no obligation under the FOIA to create the requested record or to provide a copy if created on a later date. A subscription is valid for up to 6 months and may be renewed by the subscriber.
- g. The FOIA Coordinator will, upon written request, furnish a certified copy of a public record to the requester.

2. Responses

- a. Unless otherwise agreed to in writing by the person making the request, the District must respond to a written request under FOIA within 5 business days (excluding weekends and legal holidays) after the District receives the request by doing one of the following:
 - i. granting the request;
 - ii. sending written notice denying the request;
 - iii. granting the request in part and issuing a written notice denying the request in part; or
 - iv. issuing a notice extending for not more than 10 business days the period during which the District will respond to the request. The District will not issue more than 1 notice of extension for a particular request.
- b. If a request is denied in whole or in part, the District must include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the District. A sample Certificate of Non-Existence of Public Record is appended as Attachment B.
 - i. Exemptions to disclosure are set forth in Section 13 of the FOIA, MCL 15.243, which is available on the Michigan Legislature's website at www.legislature.mi.gov.
 - ii. If a public record or information is separated and exempt from disclosure (redacted), the District will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.
- c. The date for responding to a FOIA request depends upon the manner in which the request was delivered. A request sent by mail or delivered by

hand is received for purposes of FOIA on the day it arrives at the District. A request sent by email, fax, or other electronic means is received for purposes of FOIA 1 business day after the date on which it was electronically transmitted. If a request is sent by email and is diverted to the District spam or junk mail folder, the request is not received until 1 day after the date it is discovered in the spam or junk mail folder. The FOIA Coordinator will include in the District's records both the time that a written request was delivered to its spam or junk-mail folder and the time that the District first became aware of that request. The District will review the FOIA Coordinator's spam or junk mail folder at least once every 30 days.

- d. If a request is fully granted, the District will provide copies of, or an opportunity to inspect, all the public records that were requested upon payment of the appropriate fee (if any). No pages will be left out, and nothing will be redacted.
- e. The District will provide reasonable facilities for a requester to inspect non-exempt public records. The facilities will be available during the District's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which records may be inspected to protect the District's records from loss, alteration, mutilation, or destruction or to prevent undue interference with the District's normal operations.
- f. The FOIA identifies numerous specific exemptions to disclosure. If a request includes information that is exempt from disclosure, the District will provide a written response and list the reason(s) why the record(s) or portions of records will not be disclosed. The District will include a link to, or a copy of, these Procedures and Guidelines (including the Public Summary and Attachments) with each denial.
- g. If a request is partially denied, it means that some records or parts of records will be disclosed, and that some records or parts of records will not be disclosed. The District will provide copies of, or an opportunity to inspect, the non-exempt records, but exempt information (which may consist of entire documents, pages, or information on a page) may be withheld or redacted. The District will include in the written notice of denial-in-part an explanation of the basis for the denial-in-part and, if applicable, a certificate that one or more of the public records does not exist under the name given by the requester or by another name reasonably known to the District. The District will include a link to, or a copy of, these Procedures and Guidelines (including the Public Summary and Attachments) with each denial.
- h. Failure of the District to respond to a FOIA request within the prescribed timelines constitutes denial of the request. The fee the District is permitted to charge will be reduced by 5% per day, up to a 50% reduction, if the failure to timely respond was willful or intentional or if the request included language described in FOIA as readily conveying a FOIA request. (See Section B.4., Fees).

- i. The FOIA does not require the District to create any records or to make compilations, summaries, or reports of existing records. If a request seeks records that do not exist, the District will certify that no records responsive to the request exist under the name or description provided in the request or another name known to the District. (See sample Certificate of Non-Existence of Public Record appended as Attachment B).
- j. If a request asks for information that is available on the District's website, the District will notify the requester in its response where the records may be found. If a requester seeks paper copies of information available on the website, the District may charge the fees noted below and on the Fee Itemization Form, except that there will be no charge for separating exempt from non-exempt material.
- k. In lieu of paper copies, the requester may stipulate that the District provide non-exempt public records on non-paper physical media, by electronic mail, or other electronic means. The District is not required to produce non-exempt public records on non-paper physical media if the District lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. The District is not required to use non-paper physical media provided by the requester and, to safeguard the District's information technology infrastructure, will not do so.

3. Deposit Requirements

- a. Where the District estimates that the fee authorized under the FOIA and these Procedures and Guidelines for responding to a request will exceed \$50, the District may require a good-faith deposit from the requester before processing the request. A good-faith deposit will not exceed half of the total estimated fee and will include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requester with a detailed itemization of allowable fees estimated to be incurred by the District to process the request as well as notice of the date by which the deposit must be received, which is 48 days after the notice is sent by any means of transmission. The District will include with its request for a good-faith deposit a best efforts estimate of the time frame within which the District will provide the requested public records. The timeframe estimate is not binding on the District, but the estimate will be made in good faith and the District will strive to be reasonably accurate.
- b. If a requester fails to pay the good-faith deposit within 48 days of the date of notice and if the requester has not filed an appeal of the deposit amount, the request will be considered abandoned by the requester and the District is no longer required to fulfill the request.
- c. If a requester previously requested public records from the District and if the District made the requested public records available on a timely basis but

was not paid in full the total estimated fee for that previous request, the District may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

4. Fees

- a. A fee will not be charged for the cost to search, examine, review, and delete/separate/redact exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the District. In determining whether such costs are “unreasonably high,” the District will consider, on a case-by-case basis, the estimated costs given the volume and complexity of the request relative to the usual or typical costs incurred by the District in responding to FOIA requests.
- b. Fees are calculated using the Fee Itemization Form appended to these Guidelines and Procedures as Attachment C. The District charges the following fees:
 - i. Labor costs incurred for searching for, locating, and examining public records. Labor costs are calculated in 15-minute increments (rounded down) and will not exceed the hourly rate of the lowest-paid employee capable of searching for, locating, and examining the public records. No overtime will be charged unless requested by the requester, approved by the District, and included on the Fee Itemization Form. The hourly rate of the lowest-paid employee capable of searching for, locating, and examining particular records may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to search for, locate, or examine the requested record. All charges will be noted on the Fee Itemization Form.
 - ii. Labor costs for separating and deleting exempt information from non-exempt information. Labor costs are calculated in 15-minute increments (rounded down) and will not exceed the hourly rate of the lowest-paid employee capable of separating and deleting material that is exempt from disclosure from information that is non-exempt from disclosure. No overtime will be charged unless requested by the requester, approved by the District, and included on the Fee Itemization Form. The hourly rate of the lowest-paid employee capable of separating and deleting exempt information from non-exempt information may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to separate and redact exempt information from non-exempt information. If the District FOIA Coordinator determines on a case-by-case basis that no employee of the District is capable of separating and deleting exempt from non-exempt material, the District may engage a contracted services provider and charge labor costs. Such labor costs will be calculated in 15-minute increments (rounded down), and the hourly rate will not exceed 6 times

the state minimum wage. All charges will be noted on the Fee Itemization Form.

- iii. Costs for non-paper physical media. A requester may stipulate that records be produced on non-paper physical media (e.g., a flash drive or CD). If the District has the technological capability to comply with the request for production on non-paper physical media, the District may charge the actual and most reasonably economical cost of the requested non-paper physical media, and the cost of non-paper physical media will be included on the Fee Itemization Form.
 - iv. Actual cost of duplication for paper records. The District will charge the actual cost of duplication (not to exceed 10 cents per sheet) for 8-1/2 by 11-inch sheets of paper or 8-1/2 by 14-inch sheets of paper. The actual cost of duplication will be charged for non-standard-sized sheets of paper and may exceed 10 cents per sheet. The District will utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.
 - v. Actual labor costs for duplication or publication. The District's charges for duplication or publication will not exceed the hourly rate of the lowest-paid employee capable of duplicating or publishing the records. The hourly rate of the lowest-paid employee capable of duplicating or publishing records may vary depending on the nature of the records sought. Duplication or publication fees are calculated in 15-minute increments (rounded down). All charges will be noted on the Fee Itemization Form.
 - vi. Postal delivery charges. The District may charge the costs of the least expensive form of postal delivery. If a requester asks for expedited mailing and if the District agrees to provide expedited mailing, the actual cost of the expedited mailing may be charged and must be included on the Fee Itemization Form.
 - vii. Fringe benefits. The District may add to the labor charges described above the actual cost of the public employee's fringe benefits, up to 50% of the labor costs. Fringe benefits must be noted on the Fee Itemization Form.
 - viii. Overtime wages. No overtime will be charged unless requested by the requester, approved by the District, and included on the Fee Itemization Form.
- c. Each of the fee components described above must be specifically listed on the Fee Itemization Form. A completed copy of the Fee Itemization Form will be included with the response to the request. A copy of the Fee Itemization Form is appended to these Procedures and Guidelines as Attachment C.

- d. Fee reductions. If the FOIA Coordinator does not respond to a written request within the time frames required by FOIA, the District will reduce the charges for labor costs otherwise permitted under FOIA and these Procedure and Guidelines by 5% for each day the District exceeds the time permitted for a response to the request, up to a maximum 50% reduction, if either of the following applies:
- i. The late response was willful and intentional.
 - ii. The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment or specifically included the words, characters, or abbreviations for “freedom of information,” “information,” “FOIA,” “copy,” or a recognizable misspelling of such, or appropriate legal code reference for the FOIA, on the front of an envelope or in the subject line of an electronic mail, letter, or facsimile cover page.

If a fee reduction is required, the District will fully note the fee reduction on the detailed Fee Itemization Form (Attachment C).

- e. Payment. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.
- f. Fee waivers. A search for a public record may be conducted, or copies of public records may be furnished, without charge or at a reduced charge if the District determines, in its discretion, that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.
- g. Discounts. Under the following circumstances, a public record search will be made by the District and a copy of a non-exempt public record will be furnished without charge for the first \$20 of the fee:
- i. if an individual who is entitled to information under the FOIA:
 - submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and
 - that individual has not previously received discounted copies of public records from the District twice during the same calendar year.
 - ii. if a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public

Law 99-319, or their successors, submits a request that meets all of the following requirements:

- is made directly on behalf of the organization or its clients;
- is made for a reason wholly consistent with the mission and provisions of those laws under Mental Health Code Section 431, 1974 PA 258, MCL 330.1931; and
- is accompanied by documentation of its designation by the state, if requested by the District.

5. Appeals

A requester may appeal any denial of records or any fee charged for public records.

a. Challenge to Record Denial.

i. If the District denies a request for records, the requester may either:

A) appeal to the District's Board; or

B) commence an action in the circuit court in Kalkaska County within 180 days of the denial.

ii. If the requester appeals to the Board, the appeal must specifically state the word "appeal" and state the reason(s) that the denial should be reversed. The following rules apply to record denial appeals to the governing board:

A) An appeal is not "received" until the first regularly scheduled board meeting after the appeal is submitted.

B) Within 10 business days after receiving the appeal, the Board will do one of the following:

- reverse the denial;
- issue written notice upholding the denial;
- reverse the denial in part and issue written notice upholding the denial, in part; or
- issue written notice extending the time for response by not more than 10 business days.

C) If the Board fails to respond in a timely manner to the written appeal or upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requester may seek judicial review by commencing a civil action in circuit court.

iii. A requester is not required to submit an appeal to the Board before commencing a civil action in circuit court to challenge a disclosure denial. If a circuit court determines that the requested record is not

exempt from disclosure, the court will order the District to cease withholding or to produce all or a portion of the public record determined to have been wrongfully withheld. If the court determines that a disclosure denial was arbitrary and capricious, willful and intentional, or made in bad faith, the court will order that the District pay a civil fine to the state and punitive damages to the requester. If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced in the circuit court, the court will also require the District to pay the requester's reasonable attorneys' fees, costs, and disbursements. If the requester or the District prevails in part, the court may, in its discretion, award the District all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

- b. Challenge to fee. If the District requires a fee (defined to include a deposit) that the requester believes exceeds the amount permitted under the FOIA or these publicly available Procedures and Guidelines, the requester may, within 45 days after receiving notice of the required fee, commence an action in the circuit court for the county in which the public record or the District's office is located.
 - i. If a court determines that the fee exceeds the amount permitted under the FOIA or these Procedures and Guidelines, the court will reduce the fee to the permissible amount (if any).
 - ii. If the requester prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.
 - iii. If the court determines that the District arbitrarily and capriciously violated FOIA by charging an excessive fee, or by acting in bad faith, the court will order that the District pay a civil fine to the state and punitive damages to the requester.

6. Questions

Any questions about these Procedures and Guidelines should be directed to the District's FOIA Coordinator.

7. Attachments

- a. Sample FOIA Request Form
- b. Sample Certificate of Non-Existence of Public Record
- c. Standard Form for Detailed Itemization of Fee Amounts

Adoption Date: September 13, 2021

Revised Date:

Attachment A
Sample FOIA Request Form

[Date]

FOIA Coordinator
Forest Area Community Schools
7741 Shippy Rd SW
Fife Lake, MI 49633

Re: Freedom of Information Act Request

Dear FOIA Coordinator:

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I am writing [to inspect / to copy / to obtain copies of] the following public records:

[Insert description of records sought]

Please contact me if you have any questions.

Sincerely,

[Requester Name]
[Requester Address]
[Requester Email]
[Requester Phone Number]

Attachment B
Certificate of Non-Existence of Public Record

To be sent on District letterhead.

[Date]

[Requester's Name]

[Requester's Address]

Re: Freedom of Information Act Request Dated [], 20[]

Dear [Mr./Ms.]:

Forest Area Community Schools is in receipt of your letter dated [], 20[], regarding a request under the Michigan Freedom of Information Act ("FOIA"). Your letter was received on [Insert statutory receipt date]. You requested [Insert description of records sought].

I hereby certify, pursuant to Section 5(5)(b) of FOIA, that your FOIA request is denied because, to the best of my knowledge, information, and belief, no public records exist as of [Insert statutory receipt date], under the name(s) set forth in your request as detailed below, nor under another name reasonably known to the District. MCL 15.235(4)(b).

**Right to Appeal Disclosure Denial
and Recover Attorneys Fees and Costs**

If a public body makes a final determination to deny all or a portion of a FOIA request, the requester may do one of the following at his or her option:

- (1) Submit to the "head of the public body" (the Governing Board) a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial; or
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under section 10 of the FOIA, the court will award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award will be assessed against the public body liable for damages that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the District arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, or that

the District willfully and intentionally failed to comply with FOIA or otherwise acted in bad faith, the court will award, in addition to any actual or compensatory damages, punitive damages as prescribed in FOIA to the person seeking the right to inspect or receive a copy of a public record. The damages will not be assessed against an individual but will be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

A full explanation of your right to seek either appeal or judicial review is set forth in Section 10 of the FOIA, MCL 15.240.

A copy of the District's FOIA Procedures and Guidelines is available on the District's website at www.forestarea.org .

Very truly yours,

Joshua T. Rothwell
FOIA Coordinator
Forest Area Community Schools

**Attachment C
Standard Form for Detailed Itemization of Fee Amounts**

Forest Area Community Schools
FOIA Fee Itemization Form

Requester's Name: _____ Date on Request: _____

Hand-Delivered U.S. Mail Email Fax

Date Received¹: _____ Estimated Fee: _____ -or- Actual Fee: _____

If estimated fee is over \$50, the District shall charge a good faith deposit of 50% of the estimated fee. Failure to pay the deposit within 48 calendar days of the District's notice constitutes abandonment, and the District is no longer required to fulfill the request.

Request diverted to spam/junk Mail²? Yes No If yes, please fill in delivery/discovery times:

Date/time delivered _____ Date/time discovered _____

Record available on website but copy nonetheless requested Yes No

Estimated date FOIA response will be available: _____

Labor Costs³

Not charged unless failure to charge would result in unnecessarily high costs to the District.

Searching/Locating/Examining Records

_____ x 1. _____ = _____ / 4 = _____ x _____ = _____
Hourly wage⁴ x Fringe Benefit⁵ % = Hourly cost / 4 = 15 minute cost⁶ x # of Increments **Total**

_____ / 4 = _____ x _____ = _____
Overtime wage (if any)⁷ / 4 = 15 minute cost x # of Increments **Total**

Separating and Deleting Exempt from Non-Exempt Information/Records

Employee

_____ x 1. _____ = _____ / 4 = _____ x _____ = _____
Hourly wage⁸ x Fringe Benefit % = Hourly cost / 4 = 15 minute cost x # of Increments **Total**

_____ / 4 = _____ x _____ = _____
Overtime wage (if any) / 4 = 15 minute cost x # of Increments **Total**

Contracted Labor (if any)

Name of person or firm engaged under contract _____

_____ / 4 = _____ x _____ = _____
Hourly wage / 4 = 15 minute cost x # of increments **Total**

Duplicating or Publishing Records⁹

_____ x 1. _____ = _____ / 4 = _____ x _____ = _____
Hourly wage x Fringe Benefit % = Hourly cost / 4 = 15 minute cost x # of Increments = **Total**

_____ / 4 = _____ x _____ = _____
Overtime wage (if any) / 4 = 15 minute cost x # of Increments **Total**

Subtotal Labor Costs _____

Copying Costs for Paper Copies¹⁰

Letter (8 1/2" x 11")¹¹ Cost per page \$0. _____ x # of sheets _____ = Total _____

Legal (8 1/2" x 14") Cost per page \$0. _____ x # of sheets _____ = Total _____

Size (_____) Cost per page \$0. _____ x # of sheets _____ = Total _____

Size (_____) Cost per page \$0. _____ x # of sheets _____ = Total _____

Subtotal Paper Costs _____

Postal Delivery Charges

Overnight or Special Request Yes No \$ _____

Cost of Packaging \$ _____

Postage Cost \$ _____

Cost of Delivery Confirmation \$ _____

Special Shipping Cost \$ _____

Insurance Cost \$ _____

Subtotal Postage Costs _____

Non-Paper Physical Media

USB Flash Drives \$ _____ each x # of drives _____ = Total _____

Computer Discs \$ _____ each x # of discs _____ = Total _____

Other Digital Media _____ \$ _____ each x # of _____ = Total _____

Other or Special Request Yes No \$ _____

Subtotal Non-Paper Costs _____

Total Costs _____

Discounts

Qualified for Discount Yes No If yes, subtract \$20. (\$ _____)

Indigence (maximum of 2 discounts per calendar year)

State Designated Non-Profit (e.g., MPAS) (unlimited number of discounts)

Qualified for Waiver or Reduction as primary and benefiting the general public?

Yes No If yes, insert amount of waiver or reduction (\$ _____)

Reduction for untimely response by District? Yes No If yes:

of days late _____ x 5 = _____ % reduction of Labor Costs (Maximum 50%)

Subtotal Labor Costs _____ x _____ % = Total Labor Cost Reduction (\$ _____)

Good faith deposit requested? Yes No

If yes, Deposit Amount \$ _____ Date deposit requested:

Date deposit received: _____ Amount of Deposit (\$ _____)

Total Discounts (\$ _____)

Totals

Total Costs \$ _____

Total Discounts (\$ _____)

Total Due \$ _____

Date Delivered: _____ Date Paid: _____

¹ A FOIA request is received on the date that it is hand-delivered, or that U.S. Mail is delivered, to the District. A FOIA request is treated as received on the next business day if sent via fax, email, or other electronic transmission; provided, however, the special rules apply to an email re-directed to a SPAM or trash account. (See n. 2)

² If a written request is sent by electronic mail and delivered to the public body's spam or junk-mail folder, the request is not received until 1 day after the public body first becomes aware of the written request. The public body shall note in its records both the time a written request is delivered to its spam or junk-mail folder and the time the public body first becomes aware of that request.

³ A fee shall not be charged to search, locate, examine, review, or delete/separate/redact exempt from non-exempt information unless failure to charge would result in unnecessarily high costs to the District.

⁴ The hourly rate shall not be more than the hourly wage of the lowest-paid staff member capable of performing the labor in the particular instance.

⁵ The District will add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. 100% of fringe benefit costs will be added to the applicable labor charge if a requester stipulates that records available on the District website nonetheless are requested to be provided in a paper format or in a specific form of electronic media. Under no circumstances shall the District charge more than the actual cost of fringe benefits.

⁶ In general, labor costs shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down. (See n. 9 for exception.) Divide the resulting hourly wage(s) by 4 to determine the charge per 15-minute increment.

⁷ Overtime rates shall not be included in the calculation of labor costs unless overtime is specifically requested by the requester and agreed upon by the District.

⁸ If more than one employee is completing any task, use additional cost itemization forms to separately note each employee's hourly wage, fringe benefits, and time.

⁹ Labor costs for duplicating or publishing records may be estimated and charged in time increments of the District's choosing, with all partial time increments rounded down. The District has determined to charge labor costs for duplicating or publishing records in 15-minute increments.

¹⁰ The District shall utilize the most economical means available for making copies, including using double-sided printing.

¹¹ The fee shall not exceed 10 cents per sheet of paper (one-sided or two-sided) for copies made on 8½ x 11-inch sheets of paper or 8½ x 14-inch sheets of paper.

Series 3000: Operations, Finance, and Property

3500 FOIA Requests and Record Retention

3502 Record Retention

A “public record” means a writing prepared, owned, used, in the possession of, or retained by the District in the performance of an official function, from the time it is created.

The District will comply with all federal and state record retention requirements and with Michigan’s general record retention schedules. Regardless of format, the District will make public records accessible for the applicable retention period.

- A. The District will store its public records in a secure and stable environment, whether digital or physical, and protect them from tampering and damage.
- B. Disposal of Records
 - 1. Once a public record has been retained for the duration required by law, the District may dispose of the public record unless the disposal or preservation of a public record is mandated by law or Policy.
 - 2. The District will not destroy a public record responsive to a FOIA request received before the date the record is destroyed until the District has produced the public record or determined it is exempt from disclosure.
- C. Litigation, Investigation, or Audit Holds

The Superintendent or designee will issue a hold directive to all persons suspected of having records that may relate to the potential issues in a reasonably anticipated or pending litigation, investigation, or audit. A hold directive overrides any records retention schedule that may otherwise call for the disposition or destruction of the records until the litigation, investigation, or audit hold has been lifted.

Legal authority: MCL 15.231-246; MCL 399.811; MCL 750.491; *General Retention Schedule Nos. 1, 2, 23, 26, 30, 31*

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4101 *Non-Discrimination*

A. Equal Employment Opportunity

The District is committed to equal employment opportunity and compliance with federal, state, and local laws that prohibit workplace discrimination, unlawful harassment, and unlawful retaliation based on any protected class or activity. This Policy applies to all aspects of employment, including recruiting, advertising, hiring, training, job placement, evaluation, classification, promotion, transfer, work assignment, compensation, benefits, discipline, demotion, termination, reduction in force, recall, and any other term or condition of employment.

This Policy prohibits discrimination against employees or applicants for employment based on the following protected classes: race, color, national origin, ethnicity, religion, sex (including pregnancy, gender identity, and sexual orientation), height, weight, marital status, age, disability, genetic information, veteran status, military service, or any other legally protected class. This Policy also prohibits unlawful retaliation based on a protected activity.

The District prohibits unlawful employment discrimination as required by applicable civil rights statutes, including:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, or national origin;
- Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex (including gender identity, and sexual orientation), or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex (including gender identity and sexual orientation);
- Age Discrimination in Employment Act of 1967 (ADEA), which prohibits discrimination based on age as to persons who are at least 40 years old;
- Equal Pay Act of 1963, which prohibits sex discrimination in payment of wages for persons performing substantially equal work in the same establishment;
- Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination based on disability;
- Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against qualified persons with disabilities in employment, public service, public accommodations, and telecommunications;

- Family and Medical Leave Act of 1993 (FMLA), which requires covered employers to provide up to 12 work weeks of unpaid, job-protected leave to eligible employees for certain family, military, and medical reasons, and up to 26 work weeks to care for a covered service member with a serious injury or illness;
- Pregnancy Discrimination Act of 1978, which prohibits discrimination based on pregnancy, childbirth, or related medical conditions;
- Genetic Information Non-Discrimination Act of 2008 (GINA), which prohibits discrimination based on genetic information as to health insurance and employment;
- Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which provides job protection and reemployment rights to individuals who voluntarily or involuntarily leave employment to undertake military service, including military reservists and National Guard members called to duty;
- Michigan Elliott-Larsen Civil Rights Act of 1976 (ELCRA), which prohibits discrimination based on race, color, national origin, age, sex (including pregnancy and gender identity), religion, height, weight, or marital status;
- Michigan Persons with Disabilities Civil Rights Act of 1976 (MPDCRA), which prohibits discrimination against qualified persons based on disability that is unrelated to that person's ability to perform the duties of a particular position or genetic information;
- Michigan Equal Pay Act, which prohibits discriminatory wage practices based on sex; and
- Public Employment Relations Act of 1947 (PERA), which prohibits a public employer from discriminating against an employee based on membership or non-membership in a labor organization.
- Michigan Whistleblower Protection Act of 1980, which protects employees who report a violation or suspected violation of state, local, or federal law and employees who participate in hearings, investigations, or court actions.

B. Reporting Requirements

Any employee who believes he/she has been subjected to behavior that violates this Policy must file a complaint using the Employment Complaint Procedure in Policy 4104. If Title IX sexual harassment is alleged, the procedures set forth in Policy 3118 should be followed.

Employees with questions about compliance with this Policy and applicable laws should contact the Superintendent or the Employment Compliance Officer(s).

Board members, administrators, and supervisors must promptly report incidents of unlawful discrimination and retaliation. This duty to report applies to unlawful discrimination and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

C. Employment Discrimination Compliance Training

The District will train administrators, supervisors, and the Employment Compliance Officer(s) on how to address and investigate discrimination and retaliation complaints.

The District may also provide discrimination and retaliation training to Board members and employees.

Training may be provided by an outside entity or person approved by the District.

Legal authority: 20 USC 1681 et seq.; 29 USC 206 et seq., 701 et seq., 2601 et seq.; 38 USC 4301 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 12101 et seq.; MCL 37.1101 et seq., 37.2101 et seq.; MCL 423.201 et seq.; MCL 750.556

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4102 *Anti-Harassment, Including Sexual Harassment*

A. Policy Statement

Employees will have the opportunity to work in an atmosphere free from unlawful harassment, including sex-based harassment, as defined by state, federal, and local laws. The District prohibits quid pro quo and hostile work environment harassment.

The District will promptly and thoroughly investigate complaints pursuant to Policy 4104 alleging unlawful harassment and take appropriate action, including discipline, against any person found to have violated this Policy. Investigation determinations will be based on a preponderance of the evidence.

Unlawful harassment is strictly prohibited. This Policy applies to employee conduct perpetrated against other employees, parents/guardians, officers, Board members, agents, contractors, volunteers, and members of the public. Although Title VII sexual harassment falls within this Policy, Title IX sexual harassment does not. For the District's Policy on Title IX sexual harassment, see Policy 3118. Allegations that an employee engaged in unlawful discrimination, harassment, or retaliation against a student will be investigated under Policy 5202.

This Policy applies to unlawful conduct related to work in any way, regardless of location.

B. Unlawful Employment Harassment Definition

Except with regard to Title IX sexual harassment, the following definitions apply:

1. "Quid pro quo" harassment occurs when a supervisor requires sex, sexual favors, or sexual contact from an employee or job candidate as a condition of employment and where:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, to obtain or maintain employment; or
 - b. submission to or rejection of that conduct or communication is used as a factor in a decision affecting a person's employment.
2. "Hostile work environment" harassment is unwelcome verbal, visual/written, or physical conduct towards an employee because of the employee's race, color, national origin, ethnicity, religion, sex (including pregnancy), height, weight, marital status, gender identity, age, sexual orientation, disability, genetic information, veteran status, military service, or any other protected class and that has:

- a. the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- b. the purpose or effect of unreasonably interfering with an employee's work; or
- c. an adverse impact on a person's employment opportunities.

Hostile work environment harassment is unlawful where it is based on an employee's protected class and the offensive conduct becomes a condition of continued employment or the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person under the totality of circumstances would consider intimidating, hostile, or offensive.

3. Examples of conduct that may constitute unlawful sexual harassment include:
 - a. Verbal: Unwelcome comments, including: the use of derogatory, sexually suggestive, or vulgar language; the use of sexual innuendo; unwelcome advances or repeated requests for dates or sexual favors; threats based on or motivated by a person's sex; demanding or pressuring another person to submit to sexual requests or advances to attain academic or professional achievement; threatening another person's academic or professional reputation if that person does not submit to sexual requests or advances; or any other similar behavior.
 - b. Visual/Written: Subjecting another person to sexually suggestive, pornographic, or obscene images, text, or cartoons, including by electronic mail, text message, letter, or any other medium; the use of obscene gestures toward or around another person; leering at another person; or any other similar behavior.
 - c. Physical: Unwanted kissing, touching, patting, hugging, pinching, or any other unwanted physical contact; impeding another person's normal movements; stalking, assault, or battery based on the victim's sex; any other physical interference with another person based on that person's sex; or any other similar behavior.

C. Unlawful Retaliation

Unlawful retaliation against a complainant, witness, or other investigation participant is prohibited. Any person who unlawfully retaliates is subject to discipline, including discharge. A person who knowingly files a materially false complaint or makes a materially false statement is subject to discipline, including discharge.

D. Reporting Requirements

Board members, administrators, and supervisors must promptly report incidents of unlawful harassment and retaliation. This duty to report applies to unlawful

harassment and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

Legal authority: 20 USC 1681 et seq.; 29 USC 621 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.8, 106.9; MCL 37.1101 et seq., 37.2101 et seq.; MCL 380.1300a

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4103 Whistleblowers' Protection

An employee shall report, on his/her own behalf or on behalf of another employee, a violation or a suspected violation of a federal, state, or local law, regulation, or rule to the employee's supervisor or the Employment Compliance Officer(s). Reports must be made in good faith. An employee who makes or is about to make a report in good faith and in compliance with this Policy will not be discharged, subject to adverse employment action, or subject to other discrimination or retaliation.

If the employee's supervisor is the subject of the violation or suspected violation, the employee must report to the Employment Compliance Officer(s) or the Superintendent. If the Employment Compliance Officer(s) or the Superintendent is the subject of the violation or suspected violation, the employee must report to the President. If the President is the subject of the violation or suspected violation, the employee must report to the Vice President.

A report must be promptly submitted in writing pursuant to Policy 4101. The investigation of the alleged violation will be performed by an impartial investigator. The investigation may be referred to a third party investigator.

Legal authority: MCL 15.361 et seq.

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4104 Employment Complaint Procedure

This employment complaint procedure is designed to facilitate: (1) prompt notification of alleged unlawful discrimination, including unlawful Title VII sexual harassment, and retaliation; (2) a prompt and thorough investigation of good faith allegations; and (3) the implementation of appropriate corrective action, if necessary, to eliminate verified, unlawful discrimination and retaliation from the workplace.

A. Initiating a Complaint

1. A Board member, employee, or employment applicant who believes he/she has been the subject of unlawful discrimination, including unlawful harassment, or retaliation must timely file a complaint, preferably within 10 business days of the alleged or suspected violation or when the reporter obtained knowledge of the alleged or suspected violation, with:

JOSHUA ROTHWELL
7741 SHIPPY RD SW, FIFE LAKE, MI 49633
(231) 369 - 4191
JROTHWELL@FORESTAREA.ORG

Title IX sexual harassment complaints, including dual Title VII and Title IX harassment complaints that cannot be bifurcated, must be processed under Policy 3118.

2. A complaint against the Employment Compliance Officer(s) must be made to the Superintendent or President. A complaint against the Superintendent must be made to the President. A complaint against the President must be made to the Vice President.
3. A complaint of discrimination, including unlawful harassment, or retaliation, may be made verbally or in writing. The complaint will be memorialized on Form 4104-F.

B. Investigation Procedures

1. A written or verbal report (including an anonymous report) of discrimination, including unlawful harassment, or retaliation will be investigated promptly and thoroughly.
2. An impartial investigator will investigate the complaint and, if appropriate, notify law enforcement. A third-party investigator may be appointed to investigate the complaint. The investigator(s) should consult with legal counsel in appropriate cases.

3. The investigator(s) will determine the relevant and appropriate witnesses to be interviewed based on the allegations, Board policy, and the law, and use reasonable efforts to do so. In most cases, the Complainant(s) and the Respondent(s) will be interviewed. The investigator(s) should remind interviewees to maintain confidentiality to the extent permitted by law.
4. Complaints, evidence, witness statements, investigation notes, and findings will be maintained in a confidential manner and protected from disclosure to the extent permitted by law.
5. The preponderance of the evidence (i.e., more likely than not) standard of proof will be used to determine whether discrimination, including unlawful harassment, or retaliation occurred.
6. The investigator(s) may create an investigation report of factual conclusions and findings.
7. The outcome of the investigation will be reported to the Complainant(s) and the Respondent(s).

C. Remedies

The District will take prompt and appropriate remedial action to address substantiated instances of discrimination, including unlawful harassment, or retaliation. Remediation may include restorative practices, training, counseling, discipline, transfer, demotion, discharge, or other action as deemed appropriate.

D. False Complaint or False Statement

A person who knowingly files a false complaint or makes a materially false statement is subject to discipline, including discharge.

E. Unlawful Retaliation

Retaliation against an investigation participant is prohibited. Any person who unlawfully retaliates is subject to discipline, including discharge.

F. Appeal Process

A Complainant or Respondent who objects to the investigation process or findings must file a written appeal with the Superintendent within 10 business days after receiving the investigation outcome. The written appeal must cite specific objections to the investigation process or findings. If the Superintendent is the Respondent or Complainant, an appeal must be filed with the President. If the President is the Respondent or Complainant, an appeal must be filed with the Vice President.

An appeal will be forwarded to the Board or designee for consideration and action. The Board or designee, in consultation with legal counsel, will take appropriate

action, generally within 30 calendar days after receipt of the appeal. A Board officer will then notify the parties in writing of the appeal decision.

G. Reports to State or Federal Administrative Agencies

Any person who believes that he/she was the victim of discrimination, including unlawful harassment, or retaliation may file a complaint with the Michigan Department of Civil Rights (MDCR) or the Equal Employment Opportunity Commission (EEOC) at any time:

Michigan Department of Civil Rights Capitol Tower Building
110 W. Michigan Avenue, Suite 800
Lansing, MI 48933
Phone: 517-335-3165
Fax: 517-241-0546
TTY: 517-241-1965
Email: MDCR-INFO@michigan.gov

Equal Employment Opportunity Commission Patrick V. McNamara Building
477 Michigan Avenue - Room 865
Detroit, MI 48226
Phone: 800-669-4000
Fax: 313-226-4610
TTY: 800-669-6820
Email: info@eoc.gov

An agency complaint may be filed before, during, or after a complaint is filed with the District, or a person may forego filing a complaint with the District and rely solely on the MDCR or EEOC. The District recommends that a person who has been subjected to discrimination, including unlawful harassment, or retaliation, also file a complaint with the District to ensure that the District can take steps to prevent further discrimination, including unlawful harassment, or retaliation and to discipline the Respondent, if appropriate. The MDCR and EEOC do not serve as an appellate body for District decisions. An investigation by the MDCR or EEOC will occur separately from any District investigation.

Legal authority: U.S. CONST. amend. XIV; 20 USC 1681 et seq.; 29 USC 701 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1630; 34 CFR 104, 106.8, 106.9, 110; MCL 15.261 et seq.; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4104-AG Employment Complaint Procedure

Consistent with Policies 4101, 4102, 4103, and 4104, the Employment Compliance Officer, Superintendent, or Board President or designee must initiate or have initiated an investigation into formal or informal complaints alleging unlawful discrimination, including unlawful sexual harassment, or retaliation. These Administrative Guidelines outline general procedures for an investigation. Title IX investigations should be performed in compliance with Policy 3118.

A. Confidentiality

The investigator may be required to share the complaint with others, including the accused and witnesses, to obtain relevant information to conduct a prompt investigation. The complaint and other investigatory materials may be subject to disclosure in legal proceedings or under state or federal law, regulations, or rules. If the District retains a licensed investigator or an attorney to conduct the investigation, the investigator's notes and report and/or the attorney's work product and attorney-client communications are privileged to the maximum extent permitted by state or federal law unless expressly waived by the Board. Confidentiality cannot be guaranteed.

B. Searches

Searches of public property and private belongings must be conducted consistent with the U.S. and Michigan Constitutions, laws, regulations, rules, Policies, and relevant contracts.

C. Unionized Employees

The investigator will consult collective bargaining agreements when investigating bargaining unit employees. See Policy 4108. An employee who is a witness need not be provided union representation unless required by the applicable collective bargaining agreement.

D. Reports to Law Enforcement or Children's Protective Services

The investigator will consider whether a report must be made under Policy 4202 and state law. Physical assault of a child must be reported to law enforcement and/or Children's Protective Services immediately.

E. Retaliation

The investigator will notify the Complainant(s), Respondent(s), and witnesses that Policy 4101 prohibits unlawful retaliation.

F. False Statements

Individuals who make false statements or deliberate misrepresentations will be subject to discipline up to and including discharge.

G. Interviews

The investigator will interview each witness separately to the extent possible. The investigator is authorized to request a written statement from a witness. The investigator will notify a student's parent/guardian if a student is interviewed. A Respondent will be provided an opportunity to respond to the allegations against him/her and present relevant evidence.

H. Investigation Report

If the investigator determines that an investigation report is necessary, the report may contain the following:

1. Description of the complaint or how the District received the information being investigated.
2. List of witnesses interviewed or who provided written statements.
3. Summary of witness statements, including assessment of witness credibility, if applicable.
4. Summary of all evidence considered.
5. Applicable Policy standards.
6. Factual findings.
7. Application of factual findings to legal analysis, as necessary.
8. Determination whether a Policy violation occurred.

I. Investigation Outcome

The investigator, the appropriate District administrator, or the Board President will notify the Complainant(s) and Respondent(s) in writing of the investigation's outcome. The outcome letter will include the parties' appeal rights.

J. Recordkeeping Protocol

1. A copy of all notes, witness statements, photographs, other evidence, and the investigation report must be retained by the Employment Compliance Officer for the duration of the employee's employment or Board member's term plus six years, regardless of whether those records are kept in another location.

2. A copy of an investigation report substantiating an employee's unprofessional conduct must be retained in the employee's personnel file for the duration of the employee's employment plus 50 years.
3. The above-described records may be retained electronically.

Adoption date:

Revised date:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4104-F-1 Discrimination/Retaliation Complaint Form

Employees, Officers, Contractors, Volunteers, Visitors, or other Non-Students shall use this form to report allegations of discrimination (including unlawful harassment) or unlawful retaliation.

Complaint No: _____

Complainant's Information

First Name	Initial	Last Name
------------	---------	-----------

Street Address: _____

City, State & Zip: _____

Phone: _____ Email: _____

Position Held: _____

Supervisor's Name: _____

Complaint Details

Complaint: _____

Identify type of discrimination, harassment, or retaliation:

- | | | |
|---|---|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Race | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Military Service | <input type="checkbox"/> Genetic Information |
| <input type="checkbox"/> Height | <input type="checkbox"/> Weight | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Sex: | <input type="checkbox"/> Other: _____ | |

4104-F-1 Discrimination/Retaliation Complaint Form

Did the Complainant report the discrimination, including unlawful harassment, or retaliation to the Supervisor? Yes No

What additional facts show that a person discriminated, harassed, or retaliated against the Complainant?

Known Witnesses: _____

Additional sheets or documents may be attached to this complaint, if necessary.

What is the best way to contact you? Email Phone

Retaliation against a person who reports discrimination, including unlawful harassment, is prohibited.

Complainant's Signature

Date

Please Print/Type Name

Internal Use Only
Date outcome of investigation reported to Complainant: _____

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4104-F-2 Employment Complaint Procedure

Investigation Checklist

Complainant's Name: _____

Complainant's Protected Class
(for Discrimination/Harassment/Retaliation Claims): _____

Nature of Allegation(s): _____

Date/Time of Alleged Incident(s): _____

Name/Title of Investigator: _____

The Investigator may include the following information in the investigation report:

- Information about when the complaint was received and who received the complaint
- Description of incident(s)
- Complainant(s) and Respondent(s) name(s) and identifying information
- List of potential witness and identifying information
- References to applicable Policies and legal standards
- Summary of witness interviews, if applicable
- List or summary of relevant evidence considered (written statements and relevant documentation should be filed with the investigation report)
- Determination whether the allegations were substantiated in full or in part
- Action taken by the District, if any

This Investigation Checklist is to be used to gather information only and does not limit the scope of any investigation. The Investigator may supplement this checklist.

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4104-F-3 Employment Complaint Procedure-Sample Outcome Letter to Complainant/Respondent

To be sent on District letterhead.

[Date]

[Name & Address]

Re: [Pick one: Discrimination/Harassment/Retaliation] Complaint

Dear [Name]:

Pursuant to Policy [Number], the District has concluded its investigation of a complaint of [Pick one or both: (1) protected class discrimination/harassment] and/or (2) retaliation], filed with [] on [Date]. The complaint alleged:

[Insert description of complaint]

[Do not use the name(s) of the complainant(s) or witness(es) in description]

Following an investigation, the District determined:

[Insert description of findings]

The District will take the following actions:

[Insert a broad description of action]

The District prohibits retaliation against any person who files a complaint or who cooperates with an investigation. A copy of the District's Policy is enclosed.

Please do not hesitate to contact me if you have any questions.

Sincerely,

[District representative]

[Note: This document is only a template. The letter's content should be individualized for each investigation and placed on District letterhead. In some cases, it will be necessary to include additional information. Enclose a copy of Policy 4101, 4102, 4103, or 4104 with this letter, as appropriate.]

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4105 Workplace Accommodations for Employees and Applicants with Disabilities

The District complies with the ADA, Section 504, the MPDCRA, and other federal, state, and local laws that prohibit discrimination in employment against qualified persons with disabilities. The District does not unlawfully discriminate against otherwise qualified employees or applicants for employment with a physical or mental impairment that substantially limits one or more major life activities, those regarded as having a disability, or those with a record of a disability.

An applicant or employee with a disability, like all other applicants and employees, must meet the District's requirements for the job, including education, training, employment experience, skills, or licenses/certifications. An applicant or employee with a disability must be able to perform the job's essential functions with or without reasonable accommodation(s). After an applicant has been given a conditional job offer, the District may ask disability-related questions about the applicant's ability to perform the essential functions of the position with or without reasonable accommodation.

An employee who requires a reasonable accommodation to perform essential job functions must promptly inform the employee's supervisor or the Superintendent or designee. An applicant who requires a reasonable accommodation to perform essential job functions must promptly inform the Superintendent or designee after receiving a conditional offer of employment. A reasonable accommodation is defined as a change in the work environment or in the methods of performing work to enable an otherwise qualified applicant or employee to perform the essential job functions of a position and to enjoy equal employment opportunities.

Upon receipt of an accommodation request, the District will begin the interactive process with the employee or applicant to consider reasonable accommodation options consistent with the ADA, Section 504, and the MPDCRA.

Reasonable accommodation requests that do not pose a direct threat to health or safety or cause undue hardship, as defined by law, will be considered for qualified applicants or employees with a physical or mental impairment that substantially limits one or more major life activities.

After considering the relevant medical information, essential job functions, and the applicant's or employee's requested accommodations, the District will, as appropriate, implement reasonable accommodations that do not pose a direct threat to health or safety or cause an undue hardship. The District is not obligated to adopt the applicant's or employee's specific accommodation request.

The District may engage or re-engage in the interactive process, as necessary.

The District may require a medical statement supporting the requested accommodation. The District may also require an employee to undergo an independent medical

examination, limited to the accommodation request, at the District's expense. Medical information will be kept confidential.

Reasonable accommodation of a disability with a limited duration may be provided.

An applicant or employee who believes he/she has been discriminated against under this Policy must promptly file a complaint using the Employment Complaint Procedure in Policy 4104.

A qualified applicant or employee with a disability who needs a reasonable accommodation to attend or participate in a public Board meeting may request an accommodation under Policy 2501.

Legal authority: 29 USC 701 et seq.; 42 USC 12101 et seq.; 29 CFR 1630; 34 CFR 104; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4105-AG Workplace Accommodations for Employees and Applicants with Disabilities

The following guidelines apply to an employee or applicant with a disability or a record of a disability within the meaning of state or federal law:

- A. If an employee or applicant submits a disability accommodation request, an appropriate District administrator will initiate the interactive process and complete appropriate provisions in Form 4105-F during the interactive process.
- B. Form 4105-F and medical information will be kept confidential and securely stored in the employee's confidential medical records file or similar confidential file for an applicant.

Adoption date:

Revised date:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4105-F Workplace Accommodations for Employees and Applicants with Disabilities

CONFIDENTIAL: Guide to the Interactive Process

To be completed by the human resources administrator in coordination with the employee’s supervisor or applicant.

Step 1 — Gather Relevant Information

The administrator should obtain:

- Employee’s or applicant’s written request for accommodation(s)
- Certification and other relevant information from physician/health care provider, if necessary. Medical information will be kept confidential
- Job description
- Collective bargaining agreement or individual employment contract

Step 2 — Explain How the Physical or Mental Impairment Substantially Limits One or More Major Life Activities

Describe the impairment: _____

Describe the major life activity/ies affected: _____

4105-F Workplace Accommodations for Employees and Applicants with Disabilities

Step 3 — Identify Essential Job Functions in Consultation with the Employee’s Supervisor

Step 4 — Discuss with Employee or Applicant

Document interactive discussions with employee or Applicant, including dates, names of persons present, and content of discussion.

Date	Description of Meeting
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

Step 5 — Requested Accommodation(s)

List all accommodation(s) identified in the interactive discussions:

Step 6 — Evaluate Proposed Accommodation(s)

Analyze the pros, cons, and reasonableness of the identified accommodation(s):

4105-F Workplace Accommodations for Employees and Applicants with Disabilities

Step 7 — Accommodation(s) Offered

Specific accommodation(s) to be provided, including dates accommodation(s) will begin and/or end:

Reasons for denial of any accommodation(s) requested by the employee:

Step 8 — Evaluate Accommodation(s) Provided

Conduct periodic checks with the employee to ensure that the accommodation(s) is effective. If not, re-engage in the interactive process. Document these discussions, noting the dates of the meeting, the content of the discussion, and next steps.

Date	Description of Meeting
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

Retain this document in the employee’s confidential personnel file or similar file for applicants.

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4106 Family and Medical Leave Act (FMLA)

This Policy will be interpreted and applied consistent with the FMLA, as amended, and its regulations. This Policy should not be interpreted to conflict with an applicable collective bargaining agreement where the collective bargaining agreement provides rights or obligations beyond those conferred by FMLA and that are not prohibited by FMLA.

A. Qualifying for FMLA Leave

1. Employee Eligibility

- a. To be eligible for FMLA leave, an employee must:
 - i. have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave (full-time instructional employees are presumed to meet the 1,250 hour requirement);
 - ii. have completed 12 months (cumulative) of work for the District before the commencement of the leave. This includes non-consecutive intervals of employment with the District occurring up to 7 years before the commencement of the FMLA leave; and
 - iii. make the request at a time when the District has 50 or more employees at, or within 75 miles of, the worksite.
- b. The applicable 12-month period to determine an employee's entitlement to FMLA leave (i.e., the FMLA leave year) is a "rolling" 12-month period measured backward from when the FMLA leave would commence.
- c. An eligible employee taking FMLA leave to care for a covered service member or veteran with a serious injury or illness is allowed to take up to 26 work weeks of leave in a single 12-month period measured forward from the date the employee first takes leave.

2. Qualifying Events

- a. An eligible employee may take FMLA leave, up to a total of 12 work weeks, during any 12-month period for any one or more of the following:
 - i. the birth or care of the employee's newborn child;
 - ii. the employee's care for a newly adopted child or child placed in the employee's home for foster care;
 - iii. to care for a spouse, child (who is younger than age 18, or over 18 but incapable of self-care), a parent (but not parent-in-law), or an individual

for whom the employee stands *in loco parentis* who has a serious health condition;

- iv. the employee's own serious health condition; or
 - v. a qualifying military exigency about an employee, the employee's spouse, child (regardless of age), or parent.
- b. An eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for a covered service member who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. The employee must be the spouse, child, parent (regardless of their child's age), or next of kin of the covered service member. This subsection applies to veterans of the Armed Services who suffered an injury or illness, or aggravated an injury or illness, in the line of duty on active duty if the veteran was a member of the Armed Forces at any time during the 5 years before receiving treatment.

3. Limitations on FMLA Leave

- a. The entitlement to leave for the birth of a child or placement of a child with an employee for the purposes of adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement, and these circumstances do not qualify for intermittent or reduced schedule leave.
- b. Concerning spouses who are both employed by the District, and both eligible for FMLA leave, they are limited to a combined total of 12 work weeks of FMLA leave for the birth or placement, or related care, of a child for adoption or foster care with the employees or the care of a parent with a serious health condition. This limitation does not apply to the care of a spouse or child with a serious health condition or to an employee's own serious health condition.
- c. Concerning the entitlement to 26 work weeks of leave to care for a covered service member with a serious illness or injury, the 26 work week allotment may include other reasons for FMLA leave authorized by the Act. But in that allotment, an employee is not entitled to more than 12 work weeks of leave for reasons unrelated to the care for a covered service member with a serious illness or injury.
- d. Concerning spouses who are both employed by the District, and both eligible for FMLA leave to care for a covered service member, they are limited to a combined total of 26 work weeks of leave for all leaves authorized by the Act during the 12-month period commencing with FMLA leave to care for a covered service member. The spouses are subject to the 12 work week limitation for leave related to the birth or placement, or related

care, of a child for adoption or foster care with the employees or the care of a parent with a serious health condition.

B. FMLA Notice

1. An employee must give the District notice of FMLA leave as follows:
 - a. When the need for FMLA leave is foreseeable (e.g., for the birth of a child, placement for adoption or foster care, or planned medical treatment), 30 calendar days' notice is required. If the employee fails to give 30 calendar days' notice with no reasonable excuse, the District reserves the right to deny or to delay the employee's FMLA leave. If the FMLA leave is for planned medical treatment, the employee must make reasonable efforts to schedule treatment so as not to unduly disrupt the District's operations.
 - b. When the need for FMLA leave is unexpected, the employee must provide notice to the District as soon as practicable.
2. For both foreseeable and unexpected leave, employees must comply with District Policies, work rules, collective bargaining agreement provisions, and customary absence reporting procedures. Failure to comply with these requirements may be grounds to delay or deny the employee's FMLA leave request and may result in discipline.
3. Absent extenuating circumstances, within 5 work days after an employee requests FMLA leave or the District has reasonable information that an employee may qualify for FMLA leave, the District will provide to the employee a copy of this Policy and the U.S. Department of Labor's (DOL) "Notice of Eligibility and Rights & Responsibilities" DOL Form WH-381 (as updated).
4. Once the District receives sufficient notice, including any requested medical certification (see below), that an employee's leave qualifies as FMLA leave, the District will, absent extenuating circumstances, within 5 work days, notify the employee in writing whether the leave is designated as FMLA leave using DOL Form WH-382 (as updated).

C. Certification

1. If an employee requests FMLA leave due to the employee's serious health condition or to care for a parent, child, or spouse with a serious health condition, the employee must provide medical certification from a health care provider of the serious health condition involved and, if applicable, verification that the employee is needed to care for the family member and the expected duration of the leave. Employees requesting leave for a qualifying exigency or leave to care for a covered service member with a serious injury or illness must provide the appropriate certification. The District will provide the employee with the appropriate DOL form applicable to the employee's requested leave.

2. Employees must return the requested certification within 15 calendar days after the request. The District may delay or deny FMLA leave if submission of the certification is not timely.
3. Failure or refusal to provide requested medical certification within 15 calendar days may result in denial of the leave being designated as FMLA leave.
4. If an employee provides an incomplete or insufficient certification, the District will advise the employee, in writing, of the deficiencies and what additional information is needed. An employee must return the requested additional information within 7 calendar days. The District, but not the employee's direct supervisor, may contact an employee's health care provider for clarification or authentication of a certification. The District may not contact the employee's health care provider if a complete and sufficient certification, signed by the health care provider, is submitted.
5. If the District has reason to doubt the medical certification an employee submits, the District may require, at its expense, that the employee obtain a second opinion from a health care provider of the District's choice. If the second opinion differs, the District may require, at its expense, that a third opinion be obtained from a health care provider who is mutually selected by the employee and the District. The third medical certification will be final and binding on both parties. If the employee refuses to be examined by the third health care provider, the employee will be bound by the second opinion. The District may not request a second opinion for leave to care for a covered service member or veteran with a serious injury or illness.

The District may request recertification consistent with FMLA regulations. Recertification will be at the employee's expense.

The District may request recertification in less than 30 calendar days if: an employee requests an extension of FMLA leave; circumstances stated in the prior certification have changed significantly; or the District receives information that casts doubt upon the employee's stated reason for the absence or the certification's validity.

D. Concurrent Leave and Substitution of Paid Leave

FMLA leave provided to employees is unpaid, unless the employee has applicable paid leave. Applicable paid leave (e.g., sick, personal, business, vacation, paid time off, leave under Michigan Paid Medical Leave Act (MPMLA), or workers' compensation) will run concurrently with FMLA leave at the election of either the District or the employee. The ability to use paid leave concurrently with FMLA leave is subject to compliance with the procedures and conditions normally associated with the paid leave. A medical leave of absence covered by workers' compensation runs concurrently with FMLA leave and consistent with an applicable individual employment contract or collective bargaining agreement. FMLA leave beyond an employee's applicable accrued paid leave is unpaid.

E. Intermittent and Reduced Schedule Leave

1. Eligible employees may take FMLA leave intermittently or on a reduced schedule when leave is taken to care for a family member with a serious health condition, for an employee's own serious health condition, because of a qualifying exigency, or to care for a covered service member or veteran, an eligible employee may take leave intermittently or on a reduced schedule when medically necessary.
2. Intermittent or reduced schedule leave will not result in a reduction in the employee's total amount of leave beyond the amount of leave actually taken. Intermittent and reduced schedule FMLA leave will be accounted for in the shortest increment used to account for leave generally within the employee's classification.

Employees must follow the District's absence reporting procedures when using intermittent leave.

3. When an instructional employee seeks to take intermittent or reduced schedule leave to care for a family member with a serious health condition, to care for a covered service member or veteran, or for the employee's own serious health condition which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20% of the total number of work days over the leave period, the District may either require the employee to take leave on a full-time basis for the duration of the requested intermittent or reduced schedule leave or temporarily transfer the employee to an alternate position with equivalent pay and benefits.
4. If an eligible employee requests intermittent or reduced schedule leave for a foreseeable medical treatment, including during a period of recovery from a serious health condition, the District may require the employee to transfer temporarily to an available alternate position for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular position. The alternate position must have equivalent pay and benefits as the employee's regular position.

F. Group Health Plan Benefits

1. Eligible employees are generally entitled to the continuation of District-provided group health plan benefits while on FMLA leave. Group health plan benefits include medical, dental, and optical insurance coverages in which the employee is enrolled at the time that FMLA leave is taken.
2. The District will continue paying its portion, if any, of the employee's group health plan costs and insurance premiums or representative premiums while the employee is on FMLA leave and in accordance with any applicable collective bargaining or individual employment contract. Any share or portion of the group health plan costs, insurance premiums, or representative premiums paid by the employee before FMLA leave must continue to be paid by the

employee during FMLA leave. See DOL Form WH-381. An employee's failure to pay his/her portion of group health plan costs, insurance premiums, or representative premiums during FMLA leave may result in loss of coverage if the employee's contribution is more than 30 calendar days late. The District will provide the employee with written notice at least 15 calendar days before cancelling the employee's coverage because of a failure to make employee contributions.

3. As addressed in subsection I below, an employee who fails to voluntarily return to work after FMLA leave may be required to repay the District for his/her group health plan benefit costs.

G. Return to Work

1. At the expiration date of an employee's FMLA leave, the employee will be returned to that employee's former position or an equivalent position with the same pay, benefits, and working conditions. An employee taking FMLA leave has no greater right to reinstatement than if the employee had been continuously employed during the FMLA leave period.

2. If an employee was unable to renew a license or certification because of FMLA leave and is no longer qualified for the employee's former position, the District will provide the employee reasonable time, on unpaid status, to fulfill the necessary return to work conditions.

3. Instructional Employees

- a. "Instructional" employees are those whose principal function is to teach and instruct students in a class, small group, or individual setting.

- b. If an instructional employee begins FMLA leave more than 5 weeks before the end of a term or semester, the District may require the employee to take FMLA leave until the end of the term or semester if the FMLA leave is to last at least 3 weeks and the employee would return to work during the 3-week period before the end of the term or semester.

- c. If an instructional employee begins FMLA leave during the 5-week period before the end of a term or semester because of the birth or placement for adoption or foster care of a child, to care for a spouse, child, or parent with a serious health condition, or to care for a covered service member or veteran, the District may require that FMLA leave be taken until the end of the term or semester if the instructional employee would return to work during the 2-week period immediately before the end of the term or semester and the leave is to last more than 2 weeks.

- d. If an instructional employee begins FMLA leave during the 3-week period before the end of a term or semester because of the birth or placement for adoption or foster care of a child, to care for a spouse, child, or parent with a serious health condition, or to care for a covered service member or

veteran, the District may require the employee to take FMLA leave until the end of the term or semester, if the leave will last more than five (5) work days.

- e. Any additional FMLA leave required of an instructional employee by the District will not count against the employee's allotment of FMLA leave.

4. Fitness for Duty

The District may require that an employee returning from FMLA leave submit a fitness-for-duty certification from a health care provider which addresses the employee's ability to return to work and perform the essential functions of the employee's position. The District must provide the employee with notice of the requirement to provide a fitness-for-duty certification and the essential functions of the employee's position when the District provides the employee the designation of FMLA leave notice (DOL Form WH-382, as updated). If the employee fails to submit the fitness-for-duty certification in a timely manner, return from FMLA leave may be delayed by the District. The employee may be terminated if he/she fails to submit the fitness-for-duty certification.

- 5. Unless a collective bargaining agreement provides otherwise, an employee on unpaid FMLA leave is not entitled to accrue seniority, employment benefits (other than medical insurance), or any benefit conditioned on length of service or work performed.

H. Denial of Key Employee Restoration

- 1. The District reserves the right to deny restoration to the same or equivalent position to any eligible employee who is a key employee, meaning any employee who is paid a salary and is in the highest paid 10% of employees. The District may deny restoration if necessary to prevent substantial and grievous economic injury to the District's operations. If the District intends to deny restoration to a key employee, it will:
 - a. use DOL Form WH-381, as updated, to notify the employee of his/her status as a key employee in response to the employee's request for FMLA leave and provide the employee with an explanation of the consequences for the employee if the District determines that substantial and grievous injury will result to its operations if the employee is reinstated after FMLA leave;
 - b. notify the employee, in person or by certified mail, as soon as the District decides it will deny restoration and the reasons for the denial;
 - c. offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice;
 - d. make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration; and

- e. the District must maintain its group health plan cost, contributions, premium, or representative premium contributions for the employee's group health plan benefits for the entire term of the employee's FMLA leave, even after giving the employee notice that restoration will be denied.

I. Failure to Return to Work

1. An employee's unexcused failure to return to work upon expiration of FMLA leave will subject the employee to discharge unless the District grants an extension of leave as required by law or under a collective bargaining agreement, employee handbook, or individual employment contract. An employee who requests an extension of leave due to the continuation, recurrence, or onset of the employee's serious health condition, or the serious health condition of the employee's spouse, child, parent, or covered service member or veteran, must submit to the employee's supervisor a written request for an extension. This written request must be made as soon as possible before the expiration of the employee's FMLA leave. Medical certification or recertification will be required to support any request for leave extension.
2. If an employee is unable to perform the essential functions of the position or an equivalent position at the end of FMLA leave, the District will comply with ADA requirements, as applicable.
3. If an employee fails to return to work after his/her FMLA leave expires, the employee must reimburse the District for any group health plan costs, contributions, premiums, and representative premiums that the District paid for continuation of the employee's group health benefits coverage during FMLA leave, unless the employee does not return due to: (a) the continuation, recurrence, or onset of the serious health condition which entitled the employee to FMLA leave and the employee provides the District with sufficient certification from the proper health care provider of the continuation, recurrence, or onset of the serious health condition; or (b) other circumstances beyond the employee's control. This provision does not apply to any group health plan cost, insurance premium, or representative premium contributions made by the District for periods during which the employee used paid leave concurrently with FMLA leave.

J. Recordkeeping

1. The District will maintain the following records related to FMLA requests and use:
 - a. basic payroll information;
 - b. dates (or hours) during which eligible employees take FMLA leave;
 - c. copies of all notices, requests, and other documents related to FMLA leave;

- d. copies of documents evidencing group health plan cost contributions, insurance premium, and representative premium payments made by the District on behalf of an eligible employee on FMLA leave; and
 - e. documents related to disputes about eligibility or designation of FMLA leave.
2. Medical certifications and other medical documentation related to FMLA leave will be maintained in a separate, confidential file from an employee's personnel file. See Policy 4224.

K. Notice to Employees

The District will post the appropriate notice of rights poster in a location easily seen by employees and include a general notice of employee FMLA rights in applicable employee handbooks or by providing employees notice at their time of hire.

Legal authority: 29 USC 2601 et seq.; 29 CFR 825.100 et seq.

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4106-AG Family and Medical Leave Act (FMLA) [Applicable Only if District Adopted Policy 4106]

The Forms listed in section A below may be updated from time to time by the U.S. Department of Labor and, therefore, should be obtained from the Department of Labor's website when needed. The definitions in section B below are from the FMLA and its regulations. The District cannot adopt definitions that are more restrictive or less favorable to employees. A collective bargaining agreement or individual employment contract that is more beneficial to the employee(s) will supersede this Administrative Guideline.

A. FMLA Forms

The District will provide the following forms to the employee requesting FMLA leave, and the employee or District will complete the forms, as applicable:

1. WH-381: Notice of Eligibility and Rights & Responsibilities, absent extenuating circumstances, should be completed by the District and provided within 5 work days after the employee requests leave or when the District has reasonable information that the employee may qualify for leave.
2. WH-380-E: Certification of Health Care Provider for Employee's Serious Health Condition, along with a copy of the job description for the employee's position, should be provided at the time of the employee's leave request.
3. WH-380-F: Certification of Health Care Provider for Family Member's Serious Health Condition should be provided at the time of the employee's leave request.
4. WH-384: Certification of Qualifying Exigency for Military Family Leave should be provided at the time of the employee's leave request.
5. WH-385: Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave should be provided at the time of the employee's leave request.
6. WH-385-V: Certification for Serious Injury or Illness of Covered Servicemember should be provided at the time of the employee's leave request.
7. WH-382: Designation Notice, absent extenuating circumstances, should be completed by the District and provided to the employee within 5 work days after the employee provided sufficient information or certifications that the employee qualifies for leave.

B. FMLA Definitions

1. "Serious Health Condition"

- a. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care or (2) continuing treatment by a health care provider.
- b. "Inpatient care" means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., the inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment by a health care provider, or recovery therefrom), or any subsequent treatment in connection with such inpatient care.
- c. "Continuing treatment by a health care provider" includes any of the following:
 - i. *Incapacity and treatment.* A period of incapacity (i.e., the inability to work, attend school, or perform other regular activities due to the serious health condition, treatment by a health care provider, or recovery therefrom) of more than 3 consecutive, full calendar days, and any subsequent treatment period of incapacity relating to the same condition that also involves:
 - A) Treatment 2 or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider. Treatment by a health care provider means an in-person visit, and the first (or only) in-person treatment must take place within 7 days of the first day of incapacity; or
 - B) Treatment by a health care provider on at least 1 occasion which results in a regimen of continuing treatment under the supervision of the health care provider. Treatment by a health care provider means an in-person visit, and the first (or only) in-person treatment must take place within 7 days of the first day of incapacity.
 - ii. *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy or for prenatal care. Absences qualify even if the employee or covered family member does not receive treatment from a health care provider during the absence.
 - iii. *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition which: (1) requires periodic visits (i.e., at least twice per year) for treatment by a health care provider or by a nurse under direct supervision of a health care provider;

(2) continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences qualify even if the employee or covered family member does not receive treatment from a health care provider during the absence.

- iv. *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need receive active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- v. *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for: (1) restorative surgery after an accident or other injury; or (2) a condition that would likely result in a period of incapacity of more than 3 consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (e.g., chemotherapy, radiation, etc.), severe arthritis (e.g., physical therapy), or kidney disease (e.g., dialysis).

2. "Health Care Provider" means:

- a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or
- b. Any other person determined by the Secretary of Labor to be capable of providing health care services, which includes only:
 - i. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law;
 - ii. Nurse practitioners, nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under state law and who are performing within the scope of their practice under state law;
 - iii. Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
 - iv. Any health care provider from whom the District or the District's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

- v. A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the laws of that country, and who is performing within the scope of his or her practice as defined under such law.
3. "Spouse" means a husband or wife. It includes any other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.
4. "Parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood *in loco parentis* to the employee when the employee was a son or daughter (as defined below). This definition does not include parents "in law."
5. "Son or daughter" for purposes of leave taken for birth or adoption or to care for a family member with a serious health condition means a biological, adopted, step, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

Adoption date:

Revised date:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4107 Military Leave

The District complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA), Michigan's Military Leaves Reemployment Protection Act (MLRPA), and Michigan's Public Employees Entering Armed Forces Act (MPEEFA). The term "military service" as used in this Policy includes the "uniformed services" as defined in the USERRA, "service" as defined in the MLRPA, and "military duty" as defined in the MPEEFA.

Military service also includes service and training in the Army, Navy, Marine Corps, Air Force, Coast Guard, applicable reserve forces, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service, and other categories of persons designated by the U.S. President in times of war.

In qualifying circumstances, eligible full- and part-time employees may take leave related to military service and are entitled to reemployment and other rights during and at the conclusion of military leave. Military leave is unpaid, but employees may use accrued applicable paid leave for all or a portion of their military leave in accordance with a collective bargaining agreement or individual employment contract.

A. Employee Notice and Eligibility

1. Advance notice of military service is required, unless that service prevents advance notice or notice is otherwise unreasonable or impossible.
2. Employees are eligible for military leave when called to provide military service, whether voluntary or involuntary.
3. Military leave may be taken for the purpose of active duty, active duty training, inactive duty training, full-time National Guard duty, examinations to determine fitness for duty, funeral honors duty, duty related to the National Disaster Medical System, or any other activity authorized by law.

B. Reemployment Rights

1. Employees returning from military leave are entitled to prompt reemployment pursuant to conditions in the law.
2. Employees may be disqualified from reemployment when: (a) discharged dishonorably or for bad conduct; (b) separation from military service is considered "other than honorable" by the applicable military branch; (c) dismissal occurs via court martial or by order of the U.S. President; or (d) the employee is dropped from the military service rolls because of an unauthorized absence from military service or imprisonment.

3. The District may deny reemployment after military leave if the District's circumstances have changed to make reemployment impossible or unreasonable.

C. Reemployment Positions

An employee's reemployment position upon returning from military leave depends on the length of the employee's military service, advancement if the employee had remained continuously employed, the employee's qualifications, and other factors described in the law.

D. Pay and Rights Upon Reemployment

1. Upon reemployment, an employee receives seniority and other rights and benefits determined by seniority that the employee had attained on the date that military leave began, plus the additional seniority and rights and benefits that the employee would have attained if the employee had remained continuously employed. An employee is entitled to any other rights and benefits not determined by seniority as are generally provided by the District to other employees having similar seniority, status, and pay when taking a non-military leave.
2. Upon reemployment, an employee's eligibility calculation for leave under the FMLA will assume that the employee worked for the District during the period of military leave.
3. Upon reemployment, an employee may not be discharged except for a reason constituting just cause for a period of up to 1 year after reemployment from military leave depending on the length and type of military service.

E. Benefits

1. If an employee commencing military leave has coverage under a District-provided group health benefit plan, the employee may (at the employee's expense) elect to continue coverage for the employee, the employee's spouse, and/or the employee's dependents, subject to conditions in the law.
2. If an employee's health insurance coverage is terminated consistent with the law, upon reemployment, the employee (and the employee's spouse and dependents) is immediately eligible for reinstatement of health insurance coverage.

F. Notice and Complaints

1. Notice of employee rights under the USERRA will be posted in an appropriate location.
2. The District will not retaliate or take adverse action against an employee based on the employee's exercise of rights under the law.

3. An employee must immediately contact the Employment Compliance Officer(s) if the employee believes the District has violated the law or this Policy. The District will investigate the complaint pursuant to Policy 4104.

Legal authority: 38 USC 4301 et seq.; MCL 32.271 et seq.; MCL 35.351 et seq.

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4108 *Union Activity and Representation*

The District will not engage in any of the following:

- interfere with, restrain, or coerce employees in the exercise of their rights under the Public Employment Relations Act (PERA);
- discriminate in regard to hire, terms, or other conditions of employment based on membership or non-membership in a labor organization;
- discriminate against an employee because he/she has given testimony or instituted proceedings under PERA;
- initiate, create, dominate, contribute to, or interfere with the formation or administration of any labor organization; and
- use public school resources to assist a labor organization in collecting dues or service fees from wages of public school employees.

An employee who is subject to an investigatory interview that may result in discipline or reasonably believes that an investigatory interview may result in discipline may bring to the investigatory meeting another employee, or a union representative, if the employee is in an exclusively represented bargaining unit. If the employee's union representative of choice is not immediately available, the investigatory meeting need not be delayed and may proceed with another representative present.

The District may permit a union representative to attend other meetings, but is not obligated to do so unless required by law or by an applicable collective bargaining agreement. District administration is not required to inform an employee of the right to union representation.

An employee is not entitled to have legal representation present at an employment-related meeting with District administration, unless the Superintendent or designee gives prior permission.

Legal authority: MCL 423.209, 423.210; *NLRB v J Weingarten, Inc*, 420 US 251 (1975)

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4109 Break Time for Nursing Mothers

The District will provide reasonable break time for a non-exempt (i.e., hourly) employee to express breast milk for her nursing child in a place, other than a bathroom, that is shielded from view and free from intrusion by co-workers and the public for 1 year after the child's birth or additional time may be granted for appropriate cause as determined by the Superintendent or designee. The break time for this purpose will be unpaid unless the non-exempt employee uses paid break time to which she is otherwise entitled under an applicable collective bargaining agreement, individual employment contract, or employee handbook.

Legal authority: 29 USC 207(r)

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4110 Reimbursement

The District may reimburse an employee for actual, necessary, and reasonable expenses incurred in the performance of official or appropriately authorized duties. As a condition to reimbursement, the District may require pre-approval of an expense.

Subject to prior written approval of the Superintendent or designee, an employee may attend workshops, conferences, trainings, programs, official functions, hearings, and meetings that assist in work performance and are in the District's best interests.

Reimbursement may include expenses for registration, tuition, fees, charges, travel expenses, meals (except alcohol), lodging, or other related expenses as the Superintendent or designee deems appropriate and as permitted by law.

This Policy will not be construed in a manner that restricts reimbursement provisions in any applicable collective bargaining agreement, individual employment contract, or employee handbook.

Legal authority: MCL 380.11a(3), 380.1254(1), 380.1804

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4110-AG Reimbursement

- A. An employee seeking reimbursement for work-related expenses must complete the applicable fields in Form F-4110 and submit it to [REDACTED].
- B. Reimbursements to bargaining unit employees must comply with applicable collective bargaining agreements unless the expenses are otherwise agreed to by the union.
- C. An employee may be disciplined, up to and including discharge, for submitting false, inaccurate, unauthorized, or improper expenses for reimbursement.

Adoption date:

Revised date:

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4110-F-1 Reimbursement Form

Employee Expense Reimbursement Request

To be submitted to:

Employee Name: _____

Job Title: _____

General Reimbursement

Date of Expense	Amount	Description of Expense and Business Purpose for Expense
_____	_____	_____
_____	_____	_____
_____	_____	_____

Mileage Reimbursement

Date of Travel	Reason for Travel	From	To	Miles Traveled
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Tuition Reimbursement

Name of College/University: _____

How does this course relate to your present assignment? (attach additional sheet, if necessary)

Course Dates	Course Number	Course Title	Credit Hours	Grade*
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

*Attach transcript and/or report

Pre-approved by: _____ Date: _____

I certify that this completed form is a true and accurate report of my expenses and that the expenses are proper and authorized to the best of my knowledge.

Employee Signature _____

Supervisor Signature _____

Date _____

Date _____

Series 4000 Bylaws

4100 Employee Rights and Responsibilities

4110-F-2 Reimbursement Form – Overnight Expenses

General Information

Employee Name: _____

Event Type: Workshop Conference Training program Meeting

Other (describe): _____

Event name: _____

Location: _____

Date(s) of attendance: _____

Pre-Travel Approval

Pre-Travel Expenses Estimate: \$ _____

Employee Signature _____ Date _____

Pre-Approved by: _____
Authorized Signature Date

Expenditures (Note: attach copies of related receipts/invoices)

Event fees: \$ _____

Auto mileage: _____ miles at \$ _____ (IRS Rate) = \$ _____

Meals Total Cost (itemize below): \$ _____

Date	Breakfast	Lunch	Dinner
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

4110-F2 Reimbursement Form – Overnight Expenses

Lodging: \$ _____

Other: \$ _____

Did you receive money from any other sources to pay for the above expenditures?
If yes, enter source and amount below.

Source: _____ \$ _____

Post-Travel Total amount submitted for reimbursement: \$ _____

Acknowledgment

By signing this form, I understand and agree that:

The information provided is accurate and is business-related. I acknowledge that I understand the District's policy and understand that the Superintendent, designee, or Board may deny my reimbursement request. I have attached all billing statements, receipts, invoices, and travel requests and expense forms related to this reimbursement request.

Employee Signature

Date

For Internal Use	
<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Date of Approval: _____	
Authorized Signature _____	

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4111 Professional Development

A. General

For purposes of this Policy, “day” is defined as at least 6 hours and “year” is defined as July 1 to June 30.

B. Teachers

The District provides professional development for teachers in compliance with state law. At the District’s discretion and consistent with state law, professional development hours may be counted as student instructional hours, although the instructional calendar may be extended if necessary for the District to receive full state aid under federal or state law. To facilitate professional development, the District may provide a substitute, reimburse conference expenses or registration fees, or provide release time for attendance. Professional development may include working in professional learning communities or examining student data.

The District must document the following information:

- dates when professional development was provided;
- beginning and ending times; and
- topic(s) presented to participating teachers on each date.

The Superintendent or designee has the discretion to select topics for professional development. For each day that professional development is provided, the District must retain at least one of the following:

- sign-in/out sheet;
- attendance log;
- flyer/notices announcing the event;
- agenda/meeting minutes;
- travel voucher(s);
- food receipt(s); or
- District calendar (dates indicated).

The District will record teacher attendance, including probationary teachers, at professional development on the prescribed form published by MDE or a modified

form designed to assist teachers with tracking their professional development for teacher certification renewal.

In addition to the State-mandated professional development, the District is required by state law to provide 15 days of professional development to new teachers in their first 3 years of classroom teaching. Professional development should, where appropriate, align with the teacher's individual development plan.

C. Professional Staff

Professional staff are to participate in professional development as required under state law or the respective professional standards consistent with the professional's position. Professional development may be on a local, state, or national level. Superintendent or designee pre-approval is required before attending professional development.

D. Maintaining Certifications and Licenses

Teachers, Non-Teaching Professionals, Administrators, and the Superintendent must comply with professional development or continuing education obligations to maintain certifications or licenses, including the payment of any related fees. The District is not obligated to notify professionals that certifications or licenses are expiring.

E. Other Employees

The District may offer in-services or training on a mandatory or voluntary basis to other employees. If a training is mandated, employees will be paid and, if applicable, released for that time. If the District employs bus drivers, bus drivers will be paid for training time to keep a commercial driver's license (CDL) current.

Legal authority: MCL 257.312e, 257.1801 et seq.; MCL 380.1231, 380.1233, 380.1233a, 380.1233b, 380.1233c, 380.1246, 380.1526, 380.1527, 380.1531, 380.1536; MCL 388.1674, 388.1763

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Series 4000: District Employment

4100 Employee Rights and Responsibilities

4112 *Extracurricular Employees or Volunteers*

Persons employed in extracurricular activities, such as athletic coaches, advisors, or activity sponsors, and whose primary duty is instructing students in the rules, fundamentals, or techniques of the related sport or activity, but who are not otherwise employed by the District, are exempt from the Fair Labor Standards Act's minimum wage and overtime requirements.

Persons engaged as volunteers in the District's extracurricular activities may be paid a stipend at the end of the activity. Volunteer stipends must be limited to expenses incurred.

Extracurricular employees and volunteers serve on an at-will basis as determined by the Superintendent or designee.

Extracurricular employees are subject to background checks under Policy 4205. Volunteers may also be subject background checks under Policy 4205 or using another verified background check method.

Legal authority: DOL Opinion Letter FLSA 2018-6

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4201 Employee Ethics and Standards

Employees must act professionally and model high standards of behavior at all times. Employees shall perform their respective duties and responsibilities in a professional manner, using appropriate judgment. Employees must maintain a standard of behavior that reflects positively on their status as District representatives in the community and is consistent with the Michigan Code of Educational Ethics, which is incorporated herein by reference. See:

https://www.michigan.gov/documents/mde/Code_of_Ethics_653130_7.pdf

If an employee is uncertain as to a potential course of conduct, the employee should seek advice from a supervisor before proceeding.

A. Employee Ethical Conduct

Employees must exercise objectively sound and professional judgment when engaging with students, parents/guardians, colleagues, administrators, Board members, and community members. This standard extends to employee conduct on and off school property. Ethical behavior generally includes, but is not limited to:

1. supporting the physical and emotional welfare and safety of students, parents/guardians, colleagues, administrators, Board members, and community members;
2. complying with federal and state law;
3. competently and appropriately performing duties and responsibilities for which the employee is trained or assigned;
4. assigning tasks to District personnel who are qualified and hired to perform the assigned task;
5. refraining from unlawful discrimination, including unlawful harassment, and retaliation as defined by Policy;
6. immediately reporting suspected child abuse or neglect;
7. maintaining confidential information, including student, medical, personnel, financial, and security information, as protected by statute;
8. appropriately using District funds, resources, and technology;
9. maintaining consistent and reliable work attendance, unless excused by the employee's supervisor or the Superintendent or designee, as applicable;

10. engaging in activities or behaviors that enhance the operational and instructional environment;
11. professionally communicating with students, parents/guardians, colleagues, Board members, and community members, including through electronic means;
12. Completing time and effort reporting under 4201-AG.
13. abiding by professional, ethical, and licensing standards established by relevant governmental agencies, professional licensing boards, and professional associations, including the Michigan State Board of Education; and
14. self-reporting a criminal charge and plea or conviction, as required by law.

B. Conflict of Interest

Employees shall perform their duties and responsibilities free from a prohibited conflict of interest, unless authorized by the Board or designee. Prohibited conflicts of interest include, but are not limited to:

1. soliciting or accepting anything of value (such as a gift, loan, contribution, or reward), other than compensation received from the District in exchange for services provided to the District, that would influence the employee's judgment when performing the employee's duties;
2. using public funds to purchase alcoholic beverages, jewelry, gifts, fees for golf, or any item the purchase of which is illegal, except as consistent with and permitted by Policy 3205 and Revised School Code Section 1814;
3. using or authorizing the use of the employee's public employment or any confidential information received through public employment to obtain personal, professional, political, or financial gain other than compensation received from the District in exchange for services provided to the District for the employee or a member of the employee's immediate family, or a business with which the employee is associated;
4. using or authorizing the use of District personnel, resources, property, or funds under the employee's care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures, or using those items for personal, professional, political, or financial gain;
5. providing private services, lessons, tutoring, or coaching for students assigned to the employee for additional remuneration, except as permitted by Policy 4214;
6. engaging in any activity of a sexual or romantic nature with another employee(s) or contractor(s) that the employee supervises, unless the individuals are engaged to be married, married, or cohabitating;

7. engaging in any activity of a sexual or romantic nature on school property or at school-sponsored events;
8. directly or indirectly supervising, making, or contributing to an employment decision pertaining to a relative or significant other, or relative of a relative or significant other (as defined by Policy 4213); and
9. engaging in any other activity that promotes an employee's financial and pecuniary interests over those of the District.

C. Student Fraternization

Employees must establish and maintain professional boundaries with students, including while using personal or District technology. Employees are prohibited from direct or indirect interactions with students that do not reasonably relate to an educational purpose. Employees will behave at all times in a manner supportive of the best interests of students and the District.

Conduct identified below constitutes unprofessional conduct, subjecting the employee to discipline, including discharge, absent express Board or designee authorization. The following list illustrates prohibited behavior involving students but does not describe every kind of prohibited behavior:

1. communicating about alcohol use, drug use, or sexual activity when the discussion is not appropriately related to a specific aspect of the curriculum or the employee's duties;
2. providing drugs, alcohol, tobacco, e-cigarettes, or other items students cannot possess under the District's Student Code of Conduct;
3. commenting about matters involving sex, using double entendre, or making sexually suggestive remarks with no appropriate educational purpose;
4. displaying sexually inappropriate images, materials, or objects;
5. offering or soliciting sexual advice, whether written, verbal, or physical;
6. engaging in any activity of a sexual or romantic nature, including following graduation where the relationship arises out of an employee-student relationship;
7. inappropriate kissing;
8. inappropriately intruding on a student's personal space, such as by touching unnecessarily, moving too close, or staring at a portion of the student's body;
9. communicating directly or indirectly (e.g., by phone, email, text messaging, or social media) on a matter that does not pertain to school unless the employee obtained prior parental consent. Electronic communications with students generally are to be sent simultaneously to multiple recipients and not just to

- one student except when the communication is clearly school related and inappropriate for persons other than the individual student to receive (e.g., grades);
10. permitting a specific student to engage in conduct that is not permitted or tolerated from other students;
 11. inappropriately discussing with a student the student's personal issues or problems that should normally be discussed with a parent/guardian or counselor unless the employee is the student's family member;
 12. inappropriately giving a student a personal gift;
 13. allowing a student to live in the employee's residence without prior parent/guardian consent unless the student is the employee's family member, a foreign exchange student placed with the employee, or if the employee serves as the student's foster parent or legal guardian;
 14. giving a student a ride in the employee's vehicle without appropriate authorization;
 15. taking a student on an activity outside of school without first obtaining the express permission of the student's parent/guardian and a District administrator;
 16. inviting a student to the employee's home or residence without first obtaining the express permission of the student's parent/guardian;
 17. going to a student's home when the student's parent/guardian or an adult chaperone is not present unless the employee is the student's family member;
or
 18. engaging in any other conduct which undermines the special position of trust and authority between a District employee and a student.

Employees suspecting child abuse or neglect must: (a) immediately contact Children's Protective Services (CPS), (b) file an appropriate report with that agency as required by the Child Protection Law and Policy 4202, and (c) notify the Superintendent or designee and the building principal or supervisor that the report has been filed.

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

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Series 4000: District Employment

4200 Employee Conduct and Ethics

4201-AG Employee Ethics and Standards – Time and Effort Reporting

Employees who are paid, in full or in part, with federal funds must maintain time and effort records under this administrative guideline. This administrative guideline applies to employees who are paid with state or local funds, but are used to meet a required “match” in a federal program, full and part-time employees, stipends for employees administering federal programs, and substitute teachers. Time and effort records must be completed on forms provided by the District.

Employees must provide the information required by this administrative guideline on a timely basis and following all procedures.

A. Definitions

1. **Cost Objective:** A program, function, or activity for which cost data are desired (e.g., administrative costs).
2. **Multiple Cost Objective Employee:** Employees who work on multiple cost objectives, such as more than one federal award, a federal award with a non-federal award, or more than one activity within a federal award that is separately tracked by the District.
3. **Single Cost Objective Employee:** Employees who work exclusively on one cost objective.
4. **Employee Compensation:** All amounts paid to an employee for services rendered during the award period. Compensation includes salaries, fringe benefits, stipends, bonuses and payments made under supplemental contracts.
5. **Personnel Activity Report (PAR):** A document certifying the amount of time a multiple cost objective employee spends on each cost objective. The PAR must:
 - a. Reflect an after-the-fact distribution of the activities performed;
 - b. Account for the total activity for which the employee is compensated;
 - c. Be prepared at least monthly and coincide with one or more pay periods;
and
 - d. Be signed by the employee.

B. Requirement

Charges to federal grants or awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

1. Be supported by a system of internal controls that provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
2. Include verification through electronic signatures and documentation from individuals with first-hand knowledge incorporated into official records;
3. Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
4. Encompass both federally-assisted and all other activities compensated by the District on an integrated basis. Reported hours need to cover 100% of the employee's time, regardless of full-time versus part-time work status;
5. Comply with the established accounting policies and practices of the District; and
6. Support the distribution of the employee's salary or wages among specific activities or cost objectives.

C. Procedure

1. Single Cost Objective Employees

An employee who works on a single cost objective must complete a semi-annual certification that indicates the employee worked solely on that cost objective for the period covered by the certification. The certification must be prepared at least every six months. Either the employee or a supervisor with first-hand knowledge of the work performed by the employee must sign the semi-annual certification.

A semi-annual certification must:

- Be executed after the work has been completed;
- State that the employee worked solely on activities related to a particular cost objective;
- Identify the cost objective;
- Specify the reporting period;
- Be signed by the employee or a supervisor with first-hand knowledge of the work performed; and
- Be dated.

The supervisory official for all single cost objective employees must complete the semi-annual certification and forward it to the business manager.

The business manager will send the semi-annual certification forms to departments, schools, and offices in January and July. If an employee works on a short-term cost objective and their end date does not coincide with the normal January/July collection dates for semi-annual certifications (e.g., a supplemental contract for summer school programs), the employee must obtain a semi-annual certification from the business manager after the period when the work has ended.

2. Multiple Cost Objective Employee

Employees working on multiple cost objectives must maintain PARs or equivalent documentation indicating the amount of time spent on each cost objective for the period covered by the PAR or equivalent documentation. The PAR or equivalent documentation must be prepared at least every month. The employee must sign the PAR or equivalent documentation.

A PAR or equivalent documentation must:

- Be executed after the work has been completed (projections of how an employee is expected to work or position descriptions are not sufficient);
- Account for the total activity for which each employee is compensated, including part-time schedules or overtime (total activity means all of the time an employee works, not just the amount of time worked on a Federal program);
- Identify the cost objectives;
- Specify the reporting period;
- Be prepared at least monthly and coincide with one or more pay periods;
- Be signed by the employee (unlike a semi-annual certification, a supervisor's signature alone is not sufficient); and
- Be dated after the fact (when the work has been completed).

All multiple cost objective employees must complete the PAR, unless they receive permission from the [identify position] to use equivalent documentation instead of a PAR.

Copies of executed PARs, or approved equivalent documentation, must be forwarded to the business manager.

3. Supplemental Contracts

An employee's overtime work must be reflected in the employee's time and effort record. If, however, an employee works in two distinct positions, the employee may maintain separate time and effort records for each position.

4. Stipends

Employees receiving stipends for District-sponsored activities (e.g., for professional development) may satisfy time and effort records by signing the sign-in and sign-out sheets provided at the activity. Employees receiving such stipends for non-District sponsored activities should contact the business manager to obtain the necessary documentation.

D. Training

The District will provide training on the requirements related to federal timekeeping to all staff involved in federal programs through group training, one-on-one training, or informal technical assistance.

E. Reconciliation

It is the District's practice to charge employee compensation costs to federal programs based on budget estimates that reasonably approximate how an employee will work during the year. The District will reconcile payroll charges to the time and effort reflected in employee time and effort records at least quarterly.

If the District identifies a variance in how an employee's salary was charged and how much the employee actually worked, the District will adjust its payroll charges so that the amount charged to federal funds reflects the employee's actual time and effort. If the difference between the actual and budgeted amounts is 10% or greater, the District will adjust its accounting records at least quarterly. If the reconciled difference is less than 10%, the District will adjust the accounting records at least annually.

F. Document Retention

Time and effort records must be maintained for a period of five (5) years by the District.

G. Sanctions

Any district employee who violates this procedure will be subject to appropriate discipline as reflected by comments to be placed in their annual employee evaluation.

For violations of this procedure, the District may impose sanctions as follows:

- If time and effort records are not completed and returned on time, salary costs associated with uncertified grant activity may be removed for the individual and will be charged to a General, Special, or Vocational Education non-grant account.
- The District may suspend any new work by a non-compliant employee, or the inclusion of a non-compliant employee in projects or programs until time and effort records are up-to-date and properly completed and certified.

- Employees who complete certification of time and effort records that are inaccurate or incomplete may be subject to discipline, up to and including discharge. Employees who fail to properly complete time and effort records or who violate the procedures established in this administrative guidelines may be subject to disciplinary action, up to and including discharge.
- At the Superintendent's or designee's discretion, payment to an individual for time and effort expended on the grant may be withheld if time and effort records are not complete.

Legal authority: 2 CFR 200.430

Dated adopted: December 12, 2022

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4201-AG Employee Ethics and Standards – Time and Effort Reporting

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- Identify the cost objectives;
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Legal authority: 2 CFR 200.430

Dated adopted: December 12, 2022

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4202 *Children's Protective Services (CPS) Reporting and Student Safety and Welfare*

During the performance of their duties, employees must exercise due care for the safety and welfare of the District's students.

A. Required Reports to CPS, District administration, and Michigan State Police

1. A reporter must: (a) promptly notify the Superintendent or designee and the building principal of the report; and (b) submit an electronic or written report to CPS within the statutory timeframe. Failure to make an immediate report or follow-up with an electronic or written report may result in discipline, including discharge, as well as criminal or civil penalties. CPS may be contacted at 855-444-3911 or www.michigan.gov/mdhhs.

Administrators, teachers, counselors, social workers, psychologists, nurses, physical therapists, physical therapist assistants, occupational therapists, athletic trainers, and others identified as mandatory reporters pursuant to Michigan's Child Protection Law must *immediately* report all instances of suspected child abuse or neglect to CPS. Other employees are also expected to make reports to CPS of suspected child abuse or neglect.

2. Employees must promptly report to the building principal or the Superintendent or designee any instances of injury (accidental or intentional), violence, threats of violence, self-harm, hazards, or any other situation that endangers student safety and welfare or raises reasonable concerns as to the safety of students.
3. Employees must promptly report to the building principal or the Superintendent or designee incidents of student bullying and crimes or attempted crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes, including theft and vandalism.

Within 24 hours of an alleged incident, an administrator must make an appropriate report to the Michigan State Police as required by law.

B. Student Safety and Welfare

1. Employees will maintain control and supervision of students to ensure student safety and will take appropriate action if the employee observes an unsafe or dangerous situation.
2. Employees will treat students with respect and maintain appropriate professional boundaries with students both in and out of school. Employees must avoid conduct with students that potentially creates the appearance of an unprofessional, unethical, or inappropriate relationship. Romantic relationships

between employees and students are prohibited regardless of the student's age, including following graduation where the relationship arises out of an employee-student relationship.

3. An employee will not assess, diagnose, prescribe, or provide therapy or counseling services to a student unless: (a) the employee is appropriately certified or licensed under Michigan law; and (b) the services are within the employee's job duties. An employee will direct students in need of these services to the appropriate District employee or community resource.
4. Employees will comply with and respect confidentiality of student records and privacy rights, including not posting student information or images online without prior authorization from the employee's supervisor.
5. Employees will not interfere with or adversely impact a parent's/guardian's right to determine and direct their student's care, wellbeing, teaching, and education.

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

Dated adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4200 Employee Conduct and Ethics

4202-AG Children's Protective Services (CPS) Reporting and Student Safety and Welfare

Pursuant to Policy 4202, employees who have reasonable cause to suspect child abuse or neglect are required to report that suspected child abuse or neglect. The following procedures govern this reporting obligation:

- A. Immediately report the suspected child abuse or neglect to CPS by telephone at (855) 444-3911 or through the CPS online reporting system. Employees are not to conduct an investigation before making a report.
- B. If the person making the report to CPS of suspected child abuse or neglect is not the Superintendent or building principal, immediately notify the Superintendent or designee and the building principal of the report.
- C. If the suspected child abuse or neglect was reported to CPS by telephone, complete and file with CPS Form CPS-3200 within 72 hours after the telephone call to CPS.
- D. If the suspected child abuse or neglect occurred at any of the following locations, report the suspected child abuse or neglect to Michigan State Police: (1) in a classroom or elsewhere on school property; (2) on a school bus or other school-related vehicle; or (3) at a school-sponsored activity or other event regardless of whether it is held on school premises. The report to Michigan State Police may be made using the following link: <https://survey.vovici.com/se/6CAB81316491E30E>

Adoption date:

Revised date:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4203 Corporal Punishment and Limited Use of Reasonable Force

A. Definition

“Corporal punishment” is defined as the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. Corporal punishment does not include physical pain caused by reasonable physical activity associated with athletic training.

B. Prohibition

Employees will not inflict, or cause to be inflicted, corporal punishment upon any student under any circumstances. Any employee who engages in corporal punishment against a student will be subject to discipline, including discharge. An administrator or supervisor will report the employee to CPS consistent with Policy 4202.

C. Alternatives to Corporal Punishment

The Board has reviewed and approved the administration’s list of alternatives to the use of corporal punishment. District administrators will distribute the list of alternatives to employees, volunteers, and contractors. See 4203-AG.

District employees must implement alternatives to corporal punishment. An employee may request assistance from other employees or administration when addressing student conduct.

D. Limited Use of Reasonable Force

Employees may use reasonable physical force upon a student as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. Use of reasonable force is permitted under any of the following circumstances:

1. to remove a student whose behavior is interfering with the orderly exercise and performance of school functions within a school or at a school-related activity, if that student has refused to comply with a request to refrain from further disruptive acts;
2. for self-defense or the defense of another;
3. to prevent a student from inflicting self-harm;
4. to quell a disturbance that threatens physical injury to any person;
5. to obtain possession of a weapon or other dangerous object upon, or within the control of, a student; or

6. to protect property.

Use of reasonable force upon a student must not, in light of all known factors, be excessive, unnecessary, or take place for a longer duration than is necessary to address the circumstance justifying the use of reasonable force.

E. Training

The District may provide training to employees on the use of reasonable force and physical intervention techniques. If the District has provided that training to an employee, the employee must comply with that training.

F. Seclusion and Restraint

Employees must comply with Policy 5211 on Seclusion and Restraint of students and federal and state law. An employee's illegal use of seclusion or restraint may result in discipline, including discharge.

Legal authority: MCL 380.1307, 380.1307a-h, 380.1312

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4203-AG Corporal Punishment and Limited Use of Reasonable Force

A list of alternatives to corporal punishment includes the following:

- provide direct instruction to students in social skills and problem-solving strategies;
- use positive reinforcement to teach and maintain the use of appropriate problem-solving and social skills;
- use social reinforcers, such as teacher feedback and other self-esteem enhancing activities, to support and maintain the use of problem-solving and social skills;
- apply logical consequences that will teach students personal responsibility for their actions (e.g., losing the privilege of participating in special school activities);
- consider the use of time out, which may allow students to learn to take control of their actions and, ultimately, in conjunction with instruction in social skills, to cease their undesirable behavior;
- employ problem-solving classroom meetings and/or school assemblies with honest discussion of problems to encourage student ownership of and responsibility for solutions;
- establish a variety of strategies for communicating with parents/guardians;
- establish contractual agreements that clearly outline consequences with students and their parents/guardians to enhance the development of self-control behavior;
- establish an in-school suspension program, supervised by a responsible adult, in which the student performs curricula-related activities;
- when necessary, refer students to a counselor, social worker, or psychologist at the local or intermediate level and coordinate services with other units of state government (e.g., public health, social services, mental health). Also, seek assistance from private institutions or agencies with appropriate services;
- evaluate and arrange appropriate curriculum and adequate support for students who need academic acceleration, special education, alternative education, or services for achieving English proficiency;
- consider and take action, in accordance with the applicable student code of conduct and due process of law, when disruptive behavior occurs; or
- consider the use of suspensions or expulsions only after other alternatives have been considered.

The Board adopts the above list. District administration will distribute this list to each employee, volunteer, and contractor.

Adoption date: November 8, 2021

Revised date:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4204 Confidentiality of Student Information

Employees must maintain and protect the confidentiality of student information and student education records (as defined in Policy 5309) and recognize parent/guardian rights to student information about their minor child(ren).

Employees must not disclose to third parties confidential student information or records, medical information, performance records, or behavior records unless appropriately authorized. This Policy prohibits disclosure to employees who do not have a legitimate educational interest in the student record.

Disclosure is appropriately authorized with a written release from the parent/guardian or student 18 years or older in accordance with the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), implementing regulations, and state law.

Employees who receive a subpoena seeking disclosure of student records or other confidential information must immediately notify the Superintendent or designee. Employees must not speak with an attorney who does not represent the District about a student without approval from the Superintendent or designee.

Legal authority: 20 USC 1232g, 1415(b); 34 CFR 99; MCL 380.1136; MCL 600.2165

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4205 Hiring and Background Checks

The District is committed to prohibiting unlawful discrimination in its hiring practices consistent with Policy 4101. Hiring decisions are based on qualifications, skills, knowledge, abilities, education, certifications/licenses, experience, demeanor, and other criteria the Board may deem relevant. In making hiring decisions, the Board or designee will consider enrollment, operational requirements, financial needs, and the District's best interests.

A. Advertising and Posting

Vacancies may be posted on a designated website or other location and distributed to appropriate employee groups or relevant professional associations. The posting may outline general duties, qualifications, pay range, work experience, and hours. Vacancies may be posted for at least 14 calendar days unless a different time period is specified in a collective bargaining agreement. Applications must be submitted to the central office unless otherwise designated. The District may establish an online application process. Postings will comply with applicable collective bargaining agreements.

B. Hiring

The Board will determine the hiring process for the Superintendent. For all other positions, the Superintendent or designee will determine the process to consider and interview qualified applicants. The Superintendent or designee is authorized to hire non-exempt staff, temporary, and substitute employees. Teachers, Non-Teaching Professionals, Supervisors, and Administrators that the Superintendent or designee recommends for hire are subject to Board approval.

The District will not consider an applicant for employment unless the applicant provides the District with the following:

1. written consent for the criminal records division of the Michigan State Police to conduct the criminal history check required by Revised School Code Section 1230 and the criminal records check required by Revised School Code Section 1230a;
2. a signed statement that complies with Revised School Code Section 1230b(1); and
3. other required application materials.

Falsification or misrepresentation of credentials, qualifications, references, or application materials will be grounds for disqualification or discipline, including discharge.

C. Background Checks for Employees, Contractors, and Volunteers

1. The District will conduct a background check on a selected applicant upon an offer of employment or before a person is assigned to regularly and continuously work under contract in any of its schools. The Superintendent or designee will receive and review the results of the background check before the District employs or allows the person to regularly and continuously work under contract in any of its schools, unless otherwise permitted by law.
2. "Regularly and continuously work under contract" means any of the following:
 - a. to work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with the District to provide food, custodial, transportation, counseling, or administrative services or to provide instructional services to pupils or related and auxiliary services to special education pupils;
 - b. to work at school on a more than intermittent or sporadic basis as a person under a contract with the District to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.
3. "School" means in a classroom, elsewhere on District property, or on a school bus or other school-related vehicle.
4. The background check will include:
 - a. a criminal history check pursuant to Revised School Code Section 1230;
 - b. a criminal records check pursuant to Revised School Code Section 1230a;
 - c. an unprofessional conduct check pursuant to Revised School Code Section 1230b; and
 - d. if a certification is required for the position, such as a teaching certificate or administrator certificate, District verification that the person's certification is valid.

The background check may include any other matters the District deems relevant, such as verifying references, school transcripts, and prior employment, as may be permitted by law.

If the criminal history check report, criminal records check report, or any other report discloses that the person has been convicted of a listed offense as defined in MCL 28.722, and the District verifies the conviction using public records, the District must not employ the person or allow the person to regularly and continuously work under contract in any of its schools. If any of the reports disclose that the person was convicted of a felony as defined in MCL 761.1, and the felony is not a listed offense, and the District verifies the conviction using public records, the District must not employ the person or allow the

person to regularly and continuously work under contract in any of its schools unless the Superintendent and the Board each specifically approve the employment or assignment in writing.

Employment offers are contingent on the Superintendent's or designee's review of the background check results.

All the information the District obtains via the criminal history check report, criminal records check report, or any other report that discloses that the person has been convicted of a listed offense will be maintained pursuant to 4205-AG-1.

5. Confidentiality

All the information the District obtains via the criminal history check report, criminal records check report, or any other report that discloses that the person has been convicted of a listed offense are to be considered confidential and will not be released except pursuant to 4205-AG-1(C)(5). Violation of confidentiality is a misdemeanor punishable by a fine up to \$10,000.

Notification from the Michigan Department of Education or Michigan State Police about a District employee's criminal conviction is exempt from FOIA for the first fifteen (15) days until the information is verified. Once verified, only information regarding physical or sexual abuse may be released. The employee may release the information with written authorization.

D. Other Post-Offer Considerations

The District will not make disability-related medical inquiries or inquire about an applicant's disability-related requested accommodation(s) until after a conditional job offer is made, consistent with Policy 4105. Based on the physical and mental demands of a position, an examination and/or drug test may be required following a conditional offer of employment. The examination will be performed by a health care provider identified by the Superintendent or designee at the District's expense.

Legal authority: MCL 28.722; MCL 380.1230, 380.1230a, 380.1230b; MCL 761.1

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4200 Employee Conduct and Ethics

4205-AG-1 Criminal Justice Information Security (Non-Criminal Justice Agency)

The District will conduct background checks, consistent with Policy 4205(C) and Administrative Guidance 4205-AG, and will have the Michigan State Police (“MSP”) obtain criminal history record information (“CHRI”) from both the state and Federal Bureau of Investigation (“FBI”) for all District employees, contractors, volunteers, and vendors and their employees who regularly and continuously work under contract as provided in Policy 4205(C)(2). Employees who fail to follow these procedures will be subject to discipline subject to the Superintendent’s review and written approval of any corrective action.

A. Local Agency Security Officer (“LASO”)

The District will appoint the Superintendent’s Secretary as its LASO who is responsible for the adoption of this guidance along with data/system security.

1. The LASO is responsible for ensuring:
 - a. compliance with these regulations and laws;
 - b. personnel security screening procedures are followed under this administrative guideline;
 - c. approved and appropriate security measures are in place and functioning properly to protect CHRI;
 - d. only approved District employees have access to and are using the information in compliance with the law;
 - e. compliance with this administrative guideline; and
 - f. that the MSP is promptly informed of any security breach(es).
2. The LASO is also responsible for identifying and documenting, to the extent applicable:
 - a. how District equipment is connected to the MSP; and
 - b. who is using the MSP-approved equipment.
3. When a new LASO is established, the District will complete and deliver a LASO appointment form to the MSP and will keep a copy of the appointment form on file indefinitely. The LASO will make all MSP fingerprint account changes.

B. Personnel (Authorized User) Security

Only authorized users will have access to CHRI. An authorized user must be vetted through the national fingerprint background check and be given CHRI access by the LASO to evaluate potential employees, contractors, or volunteers for employment or assignment. If the District maintains digital CHRI, the LASO will assign authorized users unique passwords compliant to 4205-AG-1 (C)(3) to access it. Those who are not authorized users but who, by the function of their job, will be close to CHRI or computer systems with access to CHRI will be supervised by an authorized user. Employees who do not comply with state or federal laws or District policies or administrative guidelines will be subject to discipline, up to discharge.

1. Security with Separated Authorized Users

After an authorized user is separated from the District, that individual's access to CHRI will be terminated within twenty-four (24) hours. This includes, but is not limited to, returning keys, access cards, and ceasing access to digital CHRI.

2. Security with Transferred Authorized Users

When an authorized user is transferred or reassigned, the LASO will take steps necessary to block that individual's access to CHRI within twenty-four (24) hours, unless the LASO determines that the individual must retain access.

C. Media Protection

Authorized users may only access CHRI on authorized devices, which does not include a personally owned mobile device, cell phone, computer, or other technology, unless the personally owned devices are approved, consistent with specific terms and conditions, for access. All CHRI (including digital media) will be maintained in a physically secure location or controlled area. A physically secure location or controlled area will be (1) locked whenever an authorized user is not present or supervising and (2) limit access to unauthorized users. An authorized user accessing CHRI must position the media to prevent unauthorized users from accessing or viewing CHRI. Physical CHRI will be stored in a locked filing cabinet, safe, or vault. Digital CHRI will be encrypted consistent with FBI CJIS Security Policy. If digital CHRI is stored on a storage device without encryption, it must be stored like physical CHRI.

1. Media Transport

The LASO must approve all CHRI media transportation and will not grant approval unless transportation is reasonably justified. CHRI must be secured during transport. Physical CHRI must be transported in a sealed, locked, or secured medium and digital CHRI must be encrypted, and if not, secured in the same fashion as physical CHRI.

2. Media Disposal/Sanitization

CHRI media will be stored and retained for the duration required by law. Disposal must be made with the written approval of the LASO and the Superintendent. Only authorized users may dispose of CHRI media. Physical media will be cross-cut shredded or incinerated. Digital media must either be overwritten at least three (3) times or degaussed, passing a strong magnet over the media, before disposal or reuse. The LASO will keep written records (date and authorized user's signature) of CHRI media destroyed and the process for destroying or sanitizing CHRI media for ten (10) years.

3. Passwords

When the LASO assigns a unique password to an authorized user, it must have the following attributes:

- a. at least eight (8) characters;
- b. not consisting of only a proper noun or word found in a dictionary;
- c. not similar or identical to the username;
- d. not be displayed while entered or transmitted outside of the physically secure location or controlled area;
- e. expires every ninety (90) days; and
- f. cannot be the same as the previous ten (10) passwords.

4. Security Awareness Training

The District will provide all authorized users with security awareness training, following the template provided on the MSP website, within six (6) months of authorization and every two (2) years thereafter. The LASO will keep a current record of all users who have completed the training.

5. CHRI Dissemination

The District must maintain a record of any CHRI dissemination to another authorized agency, consistent with the Revised School Code, which must include (1) date of release, (2) records released, (3) means of sharing, (4) District personnel who disseminated the CHRI, (5) whether authorization to disseminate was obtained, and (6) the agency to whom the CHRI was disseminated and the recipient's name.

D. Incident Handling

1. In General

The District has established operational incident handling procedures for instances of an information security breach. CHRI security breach incidents will be tracked using the report the MSP provides on its website https://www.michigan.gov/msp/0,4643,7-123-72297_24055-332662--,00.html.

The District has provided specific handling capabilities for CHRI, consistent with the following table:

Capabilities shall be handled according to the following description:	Physical – Hard Copy CHRI	Digital – Digitally Accessed/Saved CHRI
Preparation	The CHRI container will be locked at all times in the office in which it is stored. When office staff is not present, the office must be locked	Firewalls, anti-virus protection, and anti-malware/spyware protection will be maintained.
Detection	Physical intrusions to the building will be monitored. A building alarm or video surveillance will monitor for physical or unauthorized intrusions. The building must be locked at night.	Electronic intrusions will be monitored by the virus and malware/spyware detection.
Analysis	The LASO will work with police authorities to determine how the incident occurred and what data was affected.	The IT department will determine what systems or data were affected and compromised.
Containment	The LASO will lock uncompromised CHRI in a secure container or transport CHRI to a secure area.	The IT department will stop the spread of any intrusion and prevent further damage.
Eradication	The LASO will work with local law enforcement 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 will be taken before restoring the system
Recovery	Local law enforcement will handle and oversee the recovery of stolen CHRI media. The LASO may contact MSP for assistance in re-fingerprinting, if necessary.	The IT department will restore the agency information system and media to a safe environment.

When a CHRI security breach incident occurs, the following will apply:

- a. the LASO will be notified immediately;

- b. the LASO or appointed authorized user will stop any unauthorized access, secure the media, and shut down the systems necessary to avoid further unauthorized exposure;
- c. the LASO or appointed authorized user will record all necessary information regarding the breach, the District's response to the breach, and who was involved in taking response measures;
- d. the LASO will file the incident report with the MSP; and
- e. when such incident results in legal action (either civil or criminal) against a person or the District, evidence shall be collected, retained, and presented according to the evidentiary rules of the appropriate jurisdiction(s).

2. Mobile Device Incident Handling

The District will, in addition to the handling procedure in the table above, establish and implement additional procedures for mobile devices to reduce the risk of unauthorized access to CHRI.

When a device is lost, the District will document and indicate how long the device has been lost. For a lost device, the District will report if the owner believed the device was locked, unlocked, or could not verify the device's locked state. For a total loss of a device (unrecoverable), the District will report if CHRI was stored on the device, whether it was locked or unlocked, and whether the District can track or wipe the device remotely. The District will report any compromise of a device while still in the owner's possession and any compromise outside of the United States.

Adoption date: March 14, 2022

Revised date:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4205-AG-2 Hiring and Background Checks

The Superintendent or designee should generally follow the procedure below before hiring an applicant for direct employment, allowing a person to regularly and continuously work under contract in a District school, or assigning a volunteer.

A. Employment Applicant

1. General Procedure

Except for conditional hires, as described in section A(2) below, the following procedure should be used:

- a. Direct the applicant to complete form 4205-F and request unprofessional conduct information from current and former employers pertaining to applicant.
- b. If desired, interview the applicant.
- c. Verify the applicant's certification, license, or endorsement if required for the position.
- d. Make a written employment offer to the applicant. The correspondence should state that the offer is contingent on the District's satisfaction with the results of the background check required by Policy 4205 and may be subject to Board approval.
- e. Request the Michigan State Police to conduct a criminal background history check and criminal records check on the applicant.
- f. Review Michigan State Police results for the following:
 - i. Listed offenses are defined in MCL 28.722. A MDE summary of listed offenses is available at:

https://www.michigan.gov/documents/mde/Criminal_Convictions_Enumerated_Offenses_560187_7.PDF

According to Michigan law, the District may not employ applicants convicted of a listed offense.
 - ii. Any felony conviction.
 - iii. For other convictions not identified above, the District may consider the nature of the crime, length of time since the conviction, relationship to job responsibilities, and conduct since the conviction.

- g. The District may hire an applicant with a felony conviction with written approval from the Superintendent and the Board. Board action is required to employ the applicant.
- h. Ensure that before the applicant begins employment, the applicant signs an employment contract (if applicable), IRS Form W-4, USCIS Form I-9, and any other documents required by the District before beginning employment.

2. Conditional Employment

If it is not feasible to complete all of the steps in section A(1) before hiring an applicant because it is necessary to fill the position during the school year or within 30 days before the beginning of a school year, the applicant will be subject to the procedure in section A(1) above and:

- a. The applicant must complete, sign, and date the MDE Conviction Disclosure Form, which is available at:

https://www.michigan.gov/documents/mde/Criminal_Convictions_560332_7.pdf

- b. To the extent possible, the Superintendent or designee will follow the procedures set forth in section A(1) above.
- c. After receiving the Michigan State Police criminal history check and criminal record check, compare the results of those checks with the Conviction Disclosure Form in section A(2)(a), above. If the check results list convictions other than those disclosed in the form, the Superintendent or designee may notify the employee that the employee's employment contract is void and that the employee is terminated.

B. Contractor Regularly and Continuously Assigned to a District School

1. General Procedure

Except for conditional assignments, as described in section B(2) below, the following procedure applies before the District allows a person to regularly and continuously work under contract in a District school (Contractor):

- a. Require the Contractor to complete form 4205-F and request background information from current and former employers pertaining to Contractor.
- b. Request the Michigan State Police to conduct a criminal background history check and criminal records check on the Contractor.
- c. After receiving the information from the Michigan State Police, the District will follow the procedures set forth in section A(1)(f) and (g).

2. Conditional Assignment

If it is not feasible to conduct the procedure in section B(1) because it is necessary to allow the Contractor to work during the school year or to allow the Contractor to work within 30 days before the beginning of a school year, then the District will follow the procedures set forth in section A(2), above.

C. Volunteer

Volunteering is a privilege, not a right. Use of a volunteer is at the District's sole discretion. Prior criminal conviction is not required to exclude a potential volunteer.

1. Check the volunteer applicant's criminal history using iChat. A volunteer who has been convicted of a listed offense, as defined in MCL 28.722, is prohibited from volunteering. If the volunteer has been convicted of a felony other than a listed offense, written approval from both the Superintendent and Board is required to assign the applicant and the Board must act to assign the volunteer. MDE's summary of listed offenses is available at:

https://www.michigan.gov/documents/mde/Criminal_Convictions_Enumerated_Offenses_560187_7.PDF.

2. Consider other factors deemed relevant.
3. An administrator or designee will inform the volunteer if he/she was selected for the assignment.

Adoption date:

Revised date:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4205-F Authorization for Release of Information and Employee History Check

Under 1996 PA 189 of 1996; MCL 380.1230b

Complete one Authorization form for each employer in at least the last five (5) years and maintain in confidential personnel file

First Name			Middle Name			Last Name		
Other Name(s)						Last 4 digits of SSN		
Position Applied for						Date		
Current Employer Name				Previous Employer Name				
Address				Street Address				
City		State	Zip	City		State	Zip	
Start Date		End Date		Start Date		End Date		

I authorize my current and former employer(s) for at least the last five (5) years to provide [Insert District Name] with information regarding my employment history and other information that is job-related, including all documents within my personnel file under MCL 380.1230b for at least the five (5) prior years. I authorize any current or former employer(s) to disclose whether I have engaged in unprofessional conduct, which is defined as:

One or more acts of misconduct: one or more acts of immorality, moral turpitude, or inappropriate behavior involving a minor, or commission of a crime involving a minor. A criminal conviction is not an essential element of determining whether or not a particular act constitutes unprofessional conduct.

I authorize [Insert District Name] to obtain disciplinary memos, performance evaluations, plans of improvement, and any other documents, records, or information contained within my personnel records with my former employer(s). I understand state law provides immunity from civil liability for current and former employer(s), and employees acting on their behalf who act in good faith. MCL 380.1230b(1)(b) and (3). I release [Insert District Name] and its representatives from all liability for seeking such information.

4205-F Authorization for Release of Information and Employee History Check

I give current and former employer(s), including their agents my permission to release the above-identified personnel record information without requiring them to contact or provide me with written notice before disclosing the information to the requesting district. I waive my right of prior notice under the Bullard-Plawecki Employee Right to Know Act, MCL 423.506.

My employment with [Insert District Name] is conditioned upon receipt and review of the personnel record information requested from my current and former employer(s), [Insert District Name] has the sole authority to deny my employment.

If I have made any misrepresentations or omissions on my application or this document, my employment may be denied or I may be terminated.

I acknowledge that if I refuse to sign this Authorization for Release of Information, [Insert District Name] is prohibited by law from hiring me under MCL 380.1230b(4).

I provide written consent for the Michigan State Police Criminal Records Division to conduct the criminal history check required by MCL 380.1230 and the criminal records check required by MCL 380.1230a.

Applicant's Signature

Date

Note to Current/Former Employer: MCL 380.1230b requires you to provide [Insert District Name] copies of any and all information relating to unprofessional conduct contained within the above-named personnel file within 20 business days after receipt of this request. Enclosed is a self-addressed envelope for return.

- I certify that the above-named person has *not engaged in unprofessional conduct*.
- I *have enclosed items* relating to the above-named person's unprofessional conduct.
- The applicant resigned on: _____
- The applicant resigned in lieu of discharge or non-renewal on: _____
- The applicant was discharged on: _____

Signature

Date

Title

Organization

Series 4000: District Employment

4200 Employee Conduct and Ethics

4206 Employment Contracts

Professional Staff, Administrators/Supervisors, and the Superintendent, as defined in Policies 4401, 4501, and 4601, will be employed pursuant to an individual employment contract and any applicable collective bargaining agreement. Non-Exempt Staff, as defined in Policy 4301, will be employed at-will unless an applicable collective bargaining agreement or individual employment contract specifies another standard of employment security.

Employment contracts will comply with applicable laws and regulations. The President or Superintendent or designee, as applicable, should consult with Board legal counsel about contract terms and requirements to ensure compliance with state and federal law.

A. Authority

The President is authorized to execute the Superintendent's contract on behalf of the Board upon Board approval of the contract. Teacher contracts must be approved by the Board and signed on behalf of the District by a majority of the Board, the President and Secretary, or the Superintendent or designee. The Superintendent is authorized to execute employment contracts for Non-Exempt Staff and temporary and substitute employees on the Board's behalf or upon Board approval, where necessary.

B. General Requirements

Individual employment contracts required or permitted under this Policy may contain at least the following, as applicable to the category of employment:

1. employee name;
2. term of employment;
3. annual salary or hourly rate;
4. merit pay and annual evaluation for teachers and required administrator;
5. job title;
6. number of work days and general hours of work;
7. certification and licensing requirements;
8. benefits (health insurance, leave time, etc.);
9. reduction in force and recall;
10. discipline, discharge, and transfer during the contract term;

11. a provision prohibiting an Administrator from engaging in conduct involving moral turpitude and a provision allowing the Board to void the contract if the Administrator violates the moral turpitude provision;
12. date and employee signature;
13. date and signature of authorized District representative; and
14. other terms as necessary to serve the District's interests or that are legally required.

C. Specific Requirements

Professional Staff, Administrator, and Superintendent contracts must comply with the following, as applicable:

1. Superintendent

The contract term will not exceed 5 years, as required by Revised School Code Section 1229.

2. Administrators

For Administrators subject to Revised School Code Section 1229, the contract term will not exceed 3 years and the contract will automatically terminate if the Administrator does not hold the required certification. The Administrator will not have tenure in the administrative position.

The Superintendent or designee will ensure that Administrator contracts are consistent with any applicable collective bargaining agreement. The term "Administrator" includes instructional Supervisors and Directors.

3. Non-Instructional Supervisors or Directors

Unless otherwise required by law, Non-Instructional Supervisors or Directors are not required to hold an Administrator certificate and may be subject to an individual employment contract for up to 3 years.

4. Professional Staff

The Superintendent or designee will ensure that all Professional Staff contracts are consistent with any applicable collective bargaining agreement. Individual teacher contracts will comply with Revised School Code Section 1231. If a teacher seeks appointment to an extracurricular position, the District may enter into a separate written contract for the extracurricular position.

D. Collective Bargaining Agreements

The Board, with the Superintendent or designee, will determine who will represent the Board in labor negotiations. The designated negotiator(s) may sign tentative agreements during bargaining; however, the final agreement is subject to

ratification by the Board. Collective bargaining agreements may be reviewed by legal counsel before bargaining begins.

Legal authority: MCL 380.11a(3), 380.601a(1), 380.623(1)(b), 380.634, 380.1229, 380.1231, 380.1246

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4207 Third-Party Contracting of Non-Instructional Support Services

The Board may contract on a continuing or temporary basis with a third party as the Board determines necessary to provide specialized services.

The Board may contract with a third party for 1 or more non-instructional support services currently performed by a bargaining unit if the affected bargaining unit is given the opportunity to bid on the contract for those services on an equal basis as other bidders.

If a third party contractor is selected, the third party contractor must fully comply with Policies 2202 and 4205(C).

Legal authority: MCL 423.215(3)(f)

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4207-AG Third Party Contracting of Non-Instructional Support Services

Contracting non-instructional support services is a prohibited bargaining subject under the Public Employment Relations Act (PERA) Section 15(3)(f). When the District is considering contracting non-instructional support services that are currently performed by a recognized bargaining unit, the District must seek bids for such work from third party contractors. The bargaining unit will have an opportunity to submit a bid on an equal basis as other bidders consistent with PERA.

The term “non-instructional support services” refers to support services that are not specific to the educational goals of schools and typically include staff who perform clerical, secretarial, custodial, maintenance, food service, non-instructional paraprofessional, or transportation functions.

The Board is not required to bargain over the procedures for obtaining the contract for non-instructional support services, the identity of the third party contractor, or the impact of the contract for non-instructional support services on individual employees or the bargaining unit.

Requests for Proposals (RFP) will be issued as follows:

- A. Consult with legal counsel to ensure that the contemplated RFP meets PERA requirements.
- B. Notice of bidding opportunities to the bargaining unit may be provided by: (a) personal delivery with the bargaining unit president’s written acknowledgment of the date and time of RFP receipt; (b) email with a return written acknowledgment of delivery; or (c) certified U.S. Mail, return receipt requested.
- C. The RFP may comply with other Policies regarding bidding as necessary.

Adoption date:

Revised date:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4208 *Applicant and Employee Criminal Arrest, Charge, Conviction*

A. Criminal Charge

If an applicant or employee is charged with any felony or crime listed in Revised School Code Section 1535a(1) or 1539b(1), or a substantially similar crime in another jurisdiction, the person must report to MDE and to the Superintendent that the person has been charged with that crime. The person will abide by all reporting requirements in Revised School Code Section 1230d. The reports to MDE and the Superintendent must be made within 3 business days after being charged with the crime. Failure to appropriately report will result in a referral to law enforcement and possible discipline, including discharge.

B. Tenured Teacher Salary Pending Criminal Charge

If criminal charges are pending against a tenured teacher, the Board may act to: (a) suspend the teacher from active performance of duty; (b) proceed on tenure charges filed against the teacher; and (c) place the teacher's salary in an escrow account. Health or life insurance benefits, or both, may be discontinued during the suspension at the Board's option.

Before placing a tenured teacher's salary in an escrow account, the Board must provide the teacher with: (a) notice of tenure charges; (b) an explanation of the District's evidence; and (c) an opportunity to respond to the charges, either in writing or in person.

If an administrative law judge issues a preliminary decision and order to reinstate the teacher or for payment of salary lost by the teacher during the suspension, the Board will release the money in the escrow account to the teacher.

C. Employee Criminal Convictions

An employee convicted of a "listed offense," as defined in MCL 28.722, whether a felony or misdemeanor, will be discharged after appropriate due process. An employee convicted of a felony that is not a listed offense may only continue employment with the written approval of the Superintendent and the Board. An employee convicted of a misdemeanor that is not a listed offense may be discharged, in the Board's discretion, consistent with law and the applicable collective bargaining agreement or individual employment contract.

D. Tenured Teacher Salary Upon Criminal Conviction

If a teacher is convicted of a felony that is not a listed offense or a misdemeanor that is a listed offense, the Board may discontinue the teacher's salary effective on the conviction date. If the teacher is convicted of a felony that is a listed offense, the Board will discontinue the teacher's salary effective on the conviction date.

E. This Policy does not limit the Board's or designee's discretion to proceed with employee discipline, including discharge, before completion of any criminal proceedings.

Legal authority: MCL 38.103; MCL 380.1230, 380.1230a, 380.1230d, 380.1230g, 380.1535a(1), 380.1539b(1)

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4209 Prohibition Against Abortion Referrals and Assistance

A District official, Board member, or District employee shall not refer a student for an abortion or assist a student with obtaining an abortion. This prohibition does not apply to a person who is the parent or legal guardian of that student.

If a parent/guardian of a student enrolled in the District believes that a District official, Board member, or District employee has violated this Policy, the parent/guardian may file a complaint with the Superintendent, who will investigate the complaint and, within 30 calendar days after the date of the complaint, provide a written report of his/her finding to the complainant and to the Superintendent of Public Instruction in accordance with state law. If a violation is substantiated, the Board or designee will discipline that person in accordance with the law, Board Policy, and any applicable collective bargaining agreement or individual employment contract. See Policy 2303. The Superintendent or designee will take corrective action to ensure that there is no further violation.

Legal Authority: MCL 380.1507; MCL 388.1766, 388.1766a

Date Adopted: November 8, 2021

Date Revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4210 Drug and Alcohol Free Workplace

A. General

Employees serve as role models to students at school and in the community. Employee substance abuse constitutes a threat to the physical and mental well-being of employees and students and significantly impedes job performance and effectiveness.

The District maintains a drug and alcohol free workplace. In addition, to the extent permitted by law, the District strives to maintain a tobacco product free workplace.

B. Definitions

1. "Illicit substance" means any consumable alcohol; illegal drugs, including but not limited to those substances defined as "controlled substances" pursuant to federal or state law; marijuana; anabolic steroids, human growth hormones or other performance-enhancing drugs; and substances purported to be illegal, abusive, or performance-enhancing (i.e., "look-alike" drugs). This definition also includes any other substance used by an employee as an intoxicant.
2. "District premises" means District buildings, facilities, or other District property which is owned, leased, or used for a District purpose or District-owned vehicles or vehicles used for a District purpose.
3. "District purpose or function" means a District-sponsored or District-approved activity, event, function or other activity performed by an employee under the District's jurisdiction, which is within the scope of employment, duties, or job description.
4. "Tobacco product" means a form of tobacco intended to be inhaled, chewed, or placed in a person's mouth.
5. "Under the influence" means the use or misuse of an illicit substance or other intoxicant (including over-the-counter and prescription medication) by an employee that in any degree impairs, negatively affects, or tends to deprive that person of any physical or mental capacity normally possessed and required to perform job responsibilities.
6. "Reasonable suspicion" means specific, contemporaneous, and articulable observations concerning an employee's behavior, speech, appearance, and odor that suggests the employee is under the influence of an illicit substance.

C. Standards of Conduct

Employees are prohibited from the following conduct on District premises or at a District function:

1. manufacturing, selling, soliciting, possessing, using (including application, injection, inhalation, or ingestion), dispensing, or distributing any illicit substance;
2. being under the influence as defined in this Policy;
3. misusing over-the-counter and prescription medications;
4. manufacturing, selling, soliciting, dispensing, or distributing any tobacco product; or
5. using a tobacco product on District premises, except:
 - a. at outdoor areas including, but not limited to, an open-air stadium, on Saturdays, Sundays, and other days on which there are no regularly scheduled school hours, or
 - b. after 6 p.m. on days during which there are regularly scheduled school hours;

Violating these standards will subject an employee to discipline, including discharge.

If a reasonable suspicion exists that an employee is under the influence, the Superintendent or designee may direct the employee to submit to a drug test or breathalyzer. If the employee refuses, the employee may be subject to discipline, including discharge, based on the District's observations.

D. Reporting Requirements for Transportation Employees Subject to Omnibus Transportation Employee Testing Act

An employee subject to the Omnibus Transportation Employee Testing Act must notify the Superintendent or designee of any criminal drug conviction for a violation occurring in the workplace no later than 5 calendar days after that conviction. Upon receiving notice of an employee's conviction of a criminal drug violation occurring in the workplace, the Board or designee must take appropriate action within 30 calendar days.

Legal authority: 20 USC 7101 et seq.; 41 USC 8101 et seq.; 42 USC 12101 et seq.; Schedules I-V of Chapter 13 of the Controlled Substances Act, 21 USC 812; 29 USC 701 et seq.; MCL 37.1211; Schedules 1-5 of the Michigan Uniform Controlled Substances Act, MCL 333.7201 et seq.; MCL 380.11a, 380.601a; MCL 436.1101 et seq.; MCL 750.473.

Date adopted: November 8, 2021

Date revised: December 12, 2022

4210-F Drug and Alcohol Free Workplace Form

- Yelling or Loud Voice
- Unprofessional behavior
- Possession of a Substance that Appears to be Drugs or Alcohol
- Other Observations: _____
- Unkempt/Disheveled Appearance

Did Supervisor ask others to observe employee? Who? _____

Reasonable Suspicion

Yes No

- Does the employee appear impaired or under the influence based on the employee's appearance or actions?
- Does the employee's appearance or actions appear to be the result of drug or alcohol use?
- Do you have reasonable suspicion² that the employee is impaired or under the influence at work or on school property?

If the answer to any of the above is "yes," call Human Resources Administrator.

Supervisor Signature

Date

² "Reasonable suspicion" means specific, contemporaneous, and articulable observations concerning an employee's behavior, speech, appearance, or odor that suggests the employee is under the influence of an illicit substance. "Illicit substance" means any consumable alcohol; illegal drugs, including but not limited to those substances defined as "controlled substances" pursuant to federal or state law; marijuana; anabolic steroids, human growth hormones or other performance-enhancing drugs; and substances purported to be illegal, abusive, or performance-enhancing (i.e., "look-alike" drugs). This definition also includes any other substance used by an employee as an intoxicant.

Drug/Alcohol Testing Checklist

Where there is reasonable suspicion of drug or alcohol use, the supervisor/Human Resources Administrator should:

- Review collective bargaining agreement (if employee is in a bargaining unit) or individual employment contract.
- Review Policy 4210.
- Review information regarding drug/alcohol testing facilities and agreements between the District and testing facility to perform employment related testing.
- Meet with employee and bargaining representative, if requested.
- Explain that Policy 4210 permits drug/alcohol testing based on reasonable suspicion.
- State that if the employee refuses to take the test, the employee may be subject to discipline, up to and including discharge, based on the supervisor's observations.
- Explain observations and factual basis for drug/alcohol testing.
- Optional: Contact testing facility to provide advance notice that employee will be transported to facility for drug/alcohol test.

Does employee consent to testing? **Yes** **No**

Obtain consent in writing, if possible. Employee should not be permitted to transport himself or herself to or from testing facility.

Employee transported to testing facility by: _____

Facility Name: _____

Date and Time Departed: _____

Provide information on what tests were conducted at the testing facility:

- Alcohol
- Drugs (specify): _____

Attach any information provided by testing facility on testing lab work.

Estimated wait time for testing results: _____

Attach testing results.

4210-F Drug and Alcohol Free Workplace Form

Employee Consent for Drug/Alcohol Testing

I, _____ am an employee at _____ in the position of _____.

I met with _____ and was directed to submit to a drug/alcohol test to determine if I am in violation of Policy 4210 - Drug and Alcohol Free Workplace. I acknowledge that if I refuse to submit to a drug/alcohol test, I may be subject to discipline, up to and including discharge.

By signing this document, I consent to submit to the drug/alcohol test.

If applicable:

- I consent to the District releasing the results of the drug/alcohol test to an applicable bargaining representative.

Employee's Name Date

Supervisor/Human Resources Administrator Date

Witness Date

Retain this document in employee's confidential personnel file.

Post Alcohol/Drug Test Considerations

- Consult legal counsel (including when searching employee's personal property).
- Provide employee with information on applicable Employee Assistance Programs.
- Consider placing employee on paid administrative leave pending an investigation.
- Review Policy(ies), administrative guidelines, and handbook provisions.
- If employee is in a safety sensitive position, consult state and federal laws.
- Review employee's employment contract and/or collective bargaining agreement.
- Give employee copy of testing results.
- If employee consents, provide copy of testing results to the bargaining representative.
- Conduct investigation of employee conduct, including:
 - Secure and review relevant video surveillance.
 - Search school facilities for evidence of drug/alcohol possession or use on school property.
 - Interview witnesses and obtain written statements.
 - Review employee's personnel file for previous misconduct.
 - Schedule interview with employee and bargaining representation (if applicable).

Series 4000: District Employment

4200 Employee Conduct and Ethics

4211-AG Alcohol and Controlled Substances for Transportation Employees Subject to the Omnibus Transportation Employee Testing Act

The U.S. Department of Transportation provides forms and guidelines pertaining to the Omnibus Transportation Employee Testing Act. The Superintendent or designee shall refer to those forms and guidelines as necessary.

Adoption date:

Revised date:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4212 Employee Assistance Program

The District may require an employee with performance difficulties due to substance abuse, as a condition of continued employment, to receive confidential assistance for a wide range of personal and work-related concerns. Assistance may include participation in a substance abuse assistance or rehabilitation program (Program) consistent with approved leave time, an individual employment contract, Policy, and applicable collective bargaining agreements.

The employee's health benefits plan may cover the cost of enrolling the employee in the Program. If the employee's health benefits plan does not cover the cost, the District will not be responsible for the cost to the extent permitted by law.

Seeking assistance or rehabilitation does not affect the District's authority to implement discipline, including discharge, for inappropriate conduct.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4213 *Anti-Nepotism*

A. General

Employment decisions motivated by nepotism, as defined below, are prohibited to avoid conflicts of interest, favoritism, and lost productivity. Employment decisions will be based on qualifications, experience, and other legitimate business reasons. This Policy applies to all categories of employment including regular, temporary, and part-time classifications.

B. Definitions

1. "Nepotism" means favoritism in the workplace based on a relationship with a relative or significant other.
2. "Relative" means a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, niece, nephew, or corresponding in-law, step, or adopted relative.
3. "Significant others" means (1) persons engaged to be married, (2) persons involved in a romantic or personal relationship, or (3) persons who are cohabitating.

C. Employment Decisions

The District may employ relatives and significant others in the absence of nepotism. In making employment decisions, including hiring, placement, supervision, directing work, promoting, compensating, evaluating, and disciplining employees who are a relative or significant other, an employee should:

1. disclose the existence of any relationships subject to this Policy to the Superintendent or designee;
2. avoid conflicts of interest, as defined in Policy 4201, and any appearance of a conflict of interest; and
3. avoid favoritism and any appearance of favoritism.

An employee's relative or significant other should not be hired to work in any position in which the Board or designee concludes a conflict of interest or the appearance of a conflict of interest may exist. Relatives and significant others are permitted to work at the District provided one does not report directly to, supervise, evaluate, or manage the other. The Superintendent or designee, or the Board, as applicable, may make exceptions to this Policy.

Supervisors and subordinates who become relatives or significant others while employed may be subject to transfer, reassignment, or other action based on the need for compliance with this Policy.

Legal authority: MCL 380.11a, 380.601a

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4200 Employee Conduct and Ethics

4214 *Outside Activities and Employment*

A. General

An employee's duties to the District take precedence over other outside obligations while performing District duties or during work hours. An employee may not engage in other activities that adversely impact school employment or operation or that interfere with the employee's duties.

Except as otherwise provided in these Policies, an employee may secure additional employment, participate in business ventures, and serve as a volunteer. Such activities must not interfere with an employee's ability to carry out the employee's responsibilities, to serve as a role model in the community, or adversely impact the District's reputation.

Employees must communicate with a supervisor before engaging in outside activities where a conflict of interest (as defined in Policy 4201) or the appearance of a conflict of interest or impropriety may exist.

B. Conduct Standards

Employees must fulfill their duties without conflict from outside employment or activities. Unless the Superintendent or designee grants written authorization, employees may not engage in the following outside activities:

1. provide private services, lessons, tutoring, or coaching for students assigned to the employee for additional remuneration;
2. conduct personal business during assigned duty hours;
3. represent, either expressly or by implication, that the District sponsors, sanctions, or endorses a non-District related activity, solicitation, or other endeavor;
4. sell, solicit, or promote the sale of goods or services to students or parents/guardians when the employee's relationship with the District is used to influence the sale or may be reasonably perceived as attempting to influence the sale;
5. sell, solicit, or promote the sale of goods or services to employees over whom the employee has supervisory or managerial responsibilities in a manner that the subordinate employee could reasonably perceive as coercive;
6. use employee, student, or parent/guardian information in connection with the solicitation, sale, or promotion of goods or services or provide that information to any person or entity for any purpose; or

7. use District personnel, facilities, resources, equipment, technology, property, or funds for personal financial gain or business activity.

C. Intellectual Property

Intellectual property includes written or artistic works, instructional materials, textbooks, curriculum, software, inventions, procedures, ideas, innovations, systems, programs, or other work product created or developed by an employee in the course and scope of performing District employment duties or during work hours, or derivative to District intellectual property, whether published or not. Such intellectual property will be the exclusive property of the District. The District has the sole right to sell, copy, license, assign, or transfer any and all right, title, or interest in and to that intellectual property.

Legal authority: 17 USC 101 et seq.; MCL 15.321 et seq., 15.401 et seq.; MCL 380.11a, 380.601a, 380.1805(1)

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4215 District Technology and Acceptable Use Policy

The Board provides students, employees, volunteers, and other authorized users access to the District's technology resources, including its computers and network resources, for educational and other District purposes, in a manner that encourages responsible use. Any use of technology resources that violates federal and state law is prohibited.

Employees have no expectation of privacy when using the District's technology resources. Information and records on the District's network may be subject to disclosure under the Freedom of Information Act, and the District may monitor or access employees' electronic files, as deemed necessary.

Employees must not use District technology resources to record students, parents/guardians, or District personnel or to record a non-public meeting, unless performed for a legitimate educational purpose. The recording must be authorized by a supervisor or Policy. Unauthorized recording or dissemination of a recording may be subject to discipline, including discharge.

Employees must not use a password other than their own to access District technology resources unless authorized by a supervisor. Employees must protect their password(s) from being used by others. An employee will be responsible for any misuse if the employee failed to adequately secure their password(s).

District technology resources are provided for District-related services. Employees must minimize personal use of District technology resources and are prohibited from using those resources when doing so interferes with the employee's job responsibilities or District operations.

Employees must not permit students to engage in non-instructional computer games, movies, videos, and activities during the work or school day, unless authorized by a supervisor.

Employees must not download unauthorized software or applications.

Employees must immediately notify the District's technology department of any unauthorized access to, misuse of, or interference with the District's technology resources.

Employees must abide by Policy 3116 pertaining to District Technology and Acceptable Use, including complying with the Children's Internet Protection Act and executing an Acceptable Use Agreement.

Legal authority: 47 USC 254; MCL 397.606

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4215-F District Technology and Acceptable Use Policy

Acceptable Use Agreement

[INSERT DISTRICT NAME]

**Agreement for Acceptable Use of Technology Resources
For Board Members, Employees, Volunteers, and Adults (other than Students)**

Building/Program Name

User Name

This Agreement is entered into on _____ between **[INSERT DISTRICT NAME]** ("District") and _____ ("User"), whose address is _____.

Technology Resources include any type of instrument, device, machine, equipment, technology, or software that is capable of transmitting, acquiring, or intercepting any telephone, electronic, data, internet, audio, video, or radio transmissions, signals, telecommunications, or services, and include: (1) internal and external network infrastructure, (2) internet and network access, (3) computers, (4) servers, (5) storage devices, (6) peripherals, (7) software, and (8) messaging or communication systems.

In exchange for the use of the District's Technology Resources either at or away from the District, the User understands and agrees to the following:

- A. Use of the District's Technology Resources is a privilege that the District may revoke at any time and for any reason. The resources are for exclusive use on behalf of the District and not a person's personal use.
- B. There is no expectation of privacy when using the District's Technology Resources. The District has the right to monitor and inspect all use of its Technology Resources, including, without limitation, personal email and voicemail communications, computer files, databases, web logs, audit trails, or any other electronic transmissions accessed, distributed, or used through Technology Resources. The District has the sole discretion and right to remove any material from Technology Resources that it chooses to, including, without limitation, any information that the District determines to be unlawful, obscene, pornographic, harassing, intimidating, disruptive, or that violates this Agreement.
- C. Technology Resources do not provide a "public forum." Do not use Technology Resources for commercial or political positions or candidates without express written authorization in advance by an appropriate District administrator, except to contact or communicate with public officials directly relating to the duties of the User's position.

4215-F District Technology and Acceptable Use Policy

- D. Technology Resources are for use only by the registered User. The User is responsible for use of the account/password and any access to Technology Resources made using the account/password. Any damage or liability arising from the use of the account/password is the User's responsibility. Use of the account/password by someone other than the User is prohibited and may be grounds for suspension from Technology Resources and other disciplinary consequences (for employees, up to and including discharge), for both the User and the person(s) using the account/password. Likewise, using or accessing another person's account is prohibited and may be grounds for suspension from the Technology Resources and other disciplinary consequences for both you and the person whose account or password you used or accessed.
- E. Misuse or abuse of Technology Resources may result in the User being subject to discipline, up to and including discharge and/or suspension of access to Technology Resources. Misuse includes, but is not limited to:
1. Accessing or attempting to access material that is unlawful, obscene, pornographic, profane, vulgar, or otherwise inappropriate for an educational or professional setting.
 2. Sexting, which includes, without limitation, possessing, sending, distributing or otherwise transmitting via phone or other technology: nude, sexually explicit, or sexually suggestive photographs, videos, or other visual depictions of yourself or another person, including cartoon or animated images.
 3. Sexually suggestive or explicit messages.
 4. Destruction or vandalism, which includes, without limitation, any malicious or intentional attempt to harm, steal, destroy, or disrupt user data, District materials, or District hardware or software.
 5. Hacking, which includes, without limitation, gaining or attempting to gain access to, modifying, or obtaining copies of information belonging to other users or information you are not authorized to access.
 6. Unauthorized copying or use of licenses or copyrighted software.
 7. Plagiarizing, which includes the unauthorized distributing, copying, using, or holding out as your own material that was written or created by someone else, without permission of, and attribution to, the author/creator.
 8. Posting or distributing confidential or inappropriate information meant to harass, intimidate, or embarrass others.
 9. Allowing someone else to use your account or password or not preventing unauthorized access to Technology Resources when leaving them unattended.

4215-F District Technology and Acceptable Use Policy

10. Using or soliciting the use of or attempting to use or discover the account information or password of another user, unless authorized to do so by the Board or its designee.
 11. Attempting to or successfully disabling security features, including technology protection measures required under the Children's Internet Protection Act ("CIPA"), unless authorized to do so by the Board or its designee.
 12. Misusing equipment or altering system software without permission.
 13. Commercial transactions or advertising.
 14. Sending mass mailings or spam.
 15. Political, partisan activities, or lobbying petitions.
 16. Disclosing any information via Technology Resources that includes personally identifiable information about any of the District's students, including without limitation videos, audio, documents, or other student records that identify a student by name, voice, or likeness, except as permitted by applicable law or as authorized by the Board or its designee.
 17. Using Technology Resources in any way that violates federal, state, or local law or rule, or District policy, rule, handbook, or agreement.
- F. The District, as a recipient of certain federal funds, must provide technology protection measures on its computers with Internet access to protect against visual depictions that are obscene or constitute child pornography. An authorized person may disable the technology blocks for adult use, to enable user access to bona fide research, or for other lawful purposes.
- G. The District does not guarantee that its Technology Resources will meet any specific requirement or be error-free or uninterrupted; nor will the District be liable for any damages (including lost data, information, or time) in connection with the use, operation, or inability to use Technology Resources.
- H. As soon as possible, the User must disclose to an appropriate District administrator any content viewed or received over Technology Resources that is harassing, bullying, or threatening, or any communication that contains sexually explicit content. Do not delete such content unless instructed to do so by the Superintendent or designee. Transmission of sexually explicit content of a minor may result in charges for distribution of child pornography. Any such content should not be retransmitted for any reason.
- I. Student education records and other data is subject to confidentiality requirements of the Family Educational Rights and Privacy Act, Individuals with Disabilities Education Act, the Michigan Mandatory Special Education Act, the National School Lunch Act, the Revised School Code, and their underlying regulations (collectively, the "Acts"). Such data and records are subject to the provisions of those Acts, and

4215-F District Technology and Acceptable Use Policy

User will not re-disclose student data or other education records except as permitted by law.

- J. Correspondence or data that the User sends or receives may be subject to retrieval and disclosure under the Freedom of Information Act (“FOIA”) and other federal or state statutes and regulations. The User will cooperate fully and promptly with the District when responding to FOIA requests or other requests for disclosure of information.
- K. The User is solely responsible for all charges and fees, including outside telephone, printing, and merchandise purchases, made through Technology Resources. The District is not a party to such transactions and is not liable for any costs or damages, whether direct or indirect, arising out of the User’s use of Technology Resources.
- L. The User is responsible for the proper use of Technology Resources and will be held accountable for any damage to or replacement of Technology Resources caused by the User’s inappropriate use or negligence.
- M. Violation of this Agreement may result in the suspension of access to Technology Resources and discipline, up to and including discharge.

As a condition of using Technology Resources, I release the District and its Board members, agents, and employees, including the Internet Service Provider, from liability related to my use of Technology Resources. I agree to follow this Agreement, all applicable Board policies and handbooks, and all rules and regulations that may be added from time to time by the District or its Internet Service Provider. I agree to pay for, reimburse, and indemnify the District for damages, including any fees or expenses, incurred as a result of use or misuse of Technology Resources.

I understand that data I send or receive over Technology Resources is not private. I consent to having the District monitor and inspect my use of Technology Resources, including any electronic communications that I send or receive through Technology Resources.

I have read this Agreement and agree to its terms.

Signature

Date

c: Personnel File

Series 4000: District Employment

4200 Employee Conduct and Ethics

4216 *Personal Communication Devices*

“Personal communication devices” include employee-owned cell phones, computers, tablets, or any other device that enables an employee to access the internet or engage in communications through an application, social media, or any other communication method. Employee use of personal communication devices during the work day, including school-sponsored activities, and to conduct school-related business, is limited as follows:

- A. except in emergencies, an employee’s use of personal communication devices shall not interfere with instructional activities or work-related duties. Employees taking an authorized break may use personal communication devices in a manner that does not disrupt the District’s operations or violate the confidentiality of students or others;
- B. employees shall not use personal communication devices to access inappropriate content or engage in unlawful activities while on duty, on District property, or attending a District-related event;
- C. employees must not use personal communication devices to inappropriately communicate with other employees, students, and parents/guardians;
- D. employees must ensure that the District’s records and files, including confidential student information, are only maintained on District-provided technology and that confidentiality is maintained. District records and files must not be stored on a personal communication device;
- E. employees recognize that when a personal communication device accesses the District’s network, the employee’s use may become subject to the District’s Acceptable Use Policy;
- F. employees may not use their personal communication devices to record communications or images during the work or school day or at a school-sponsored event other than a public performance or sporting event, unless the employee has received permission from the Superintendent or designee. Dissemination of any recording is prohibited unless the Superintendent or designee approves that action in writing; or
- G. unauthorized recording of communications or images of students, parents, co-workers, or non-public meetings is prohibited and may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4217 Social Media

Employee use of social media while on District property, during work hours, or while using District-owned devices must not interfere with District educational purposes or work performance and must not be used in any manner that violates this Policy, Policy 4201, or federal or state law.

“Social media” refers to any publicly accessible internet-based service that enables a user to share communications, images, or videos with others or participate in social networking. Social media includes blogs and social networking sites.

While using social media on or off duty, an employee must:

- A. not engage in criminal activity;
- B. make clear that the employee’s views or endorsement of political candidates and political parties are their own, not the District’s, as applicable;
- C. refrain from using a District email address to register on social networks, blogs, or other online tools for personal use;
- D. engage in appropriate communications with students, parents/guardians, and District stakeholders and community members;
- E. maintain student privacy and not disclose confidential student information;
- F. report to the appropriate administrator(s) any behavior or activity which endangers student or staff security, safety, or welfare; and
- G. refrain from engaging in behavior that disrupts or adversely impacts the efficacy of the District’s operations.

Employee use of social media in violation of this Policy detracts from the District’s educational mission, adversely impacts the District, and may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4200 Employee Conduct and Ethics

4218 *Employee Dress and Appearance*

Employee attire conveys an important image to students and the community. Employees must maintain professional dress and appearance, including appropriate hygiene, cleanliness, and grooming.

Employees must, at a minimum, dress in accordance with the student dress code.

A. Administrators, Professionals, Paraprofessionals, and Office Employees

Administrators, professionals, paraprofessionals, and office employees must dress in business casual attire except as otherwise appropriate to their individual assignments. Attire must not distract other employees or students from the learning environment or pose a safety risk. Employees shall not dress in a manner that expresses partisan or political speech unless expressly permitted by law, a collective bargaining agreement, or approved in writing by a building administrator.

The building administrator may temporarily suspend all or a portion of the dress code when other factors support a lower dress expectation for employees (e.g., designated “casual days” or “spirit days”).

B. Food Service, Custodial, Maintenance, Mechanic, and Transportation Employees

Subject to any applicable collective bargaining agreement, food service, custodial, maintenance, mechanic, and transportation employees must dress in attire appropriate to the work the employee is performing and will not pose a safety risk to the employee or others.

Closed-toe shoes are required. Steel-toed shoes may be required for custodians, maintenance, and mechanics. The District reserves the right to require uniform clothing as may be appropriate.

C. Enforcement

The Superintendent or designee has the discretion to make determinations about appropriate staff dress and appearance. Any violation of this Policy may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4200 Employee Conduct and Ethics

4219 Attendance

Regular, reliable, and in-person attendance is an essential job function for employees, unless the Superintendent or designee approves the absence in writing. Employee absences or tardiness negatively impact the education of students and may impose unnecessary burdens on coworkers. Employees will be held accountable for adhering to their assigned schedule. Any deviation from an employee's assigned schedule must be approved in advance by the employee's supervisor or designee.

Consistent with any applicable collective bargaining agreement or individual employment contract, an employee must report absences as directed by the employee's supervisor or designee. The Superintendent or designee reserves the right to request verification for absences if reasonable grounds exist to believe that an employee is misusing leave, has misrepresented the reason(s) for the employee's absence, or a pattern of absenteeism exists. When possible, leave must be requested in advance per an applicable collective bargaining agreement, individual employment contract, employee handbook, Policy, or law.

An employee who violates this Policy may be subject to discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4220 Use or Disposal of District Property

Employees are prohibited from using District property for personal use unless the Superintendent or designee approves the use in advance. Employee use of District property will be consistent with Policies 3304 and 4214.

After use, District property must be immediately returned to the appropriate location or department. The property must be returned in the same condition it was in at the time of acquisition. The employee is responsible for the cost of repair or replacement if the employee negligently damages the District's property.

Employees may not dispose of District property without the supervisor's written approval. Employees may not take possession of discarded District property without written approval from the Superintendent or designee.

State law regulates the disposal, removal, or refusal to return District books, papers, or records. Retention and disposal of District books, papers, or records must conform with the State of Michigan's Records Retention and Disposal Schedule for Michigan Public Schools.

An employee who violates this Policy may be subject to discipline, including discharge, and civil and criminal prosecution.

Legal authority: MCL 380.11a(3), 380.601a; MCL 399.811; MCL 750.491

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4200 Employee Conduct and Ethics

4221 *Employee Speech*

As role models, employees must exercise sound judgment in their interactions with students, parents/guardians, and members of the community and maintain a high degree of professionalism and objectivity. Employees must act within the scope of their respective duties and responsibilities.

A. Curriculum, Instruction, and Controversial Topics

During instruction and discussion of controversial issues, employees must follow these guidelines:

1. the issues discussed must be relevant to the curriculum and be part of a planned educational program;
2. students and parents/guardians must have free access to appropriate materials and information for analysis and evaluation of the issues;
3. employees must allow discussion of a variety of viewpoints so long as that discussion does not substantially disrupt the educational environment;
4. the topic and materials used must be within the students' range, knowledge, maturity, and competence;
5. employees must obtain pre-approval from the building principal before instructing students about sensitive or controversial issues; and
6. employees must not advocate partisan causes, sectarian religious views, or self-propaganda of any kind during school or school-related functions. Employees may express a personal opinion as long as students are encouraged to reach independent decisions.

Employees who are unsure of their obligations must confer with their building principal or supervisor.

B. Speech on Matters of Public Concern

The District respects and supports its employees' right as citizens to exercise free speech in a responsible manner.

Free speech rights are not absolute and are subject to restriction when the employee is acting within the course and scope of their employment.

When speaking as a citizen on a matter of public concern, an employee must not make written, verbal, online, or nonverbal statements that cause a substantial disruption to the school environment, violate federal or state law, or otherwise violate these Policies. An employee's right as a citizen to comment upon matters

of public concern must be balanced against the District's interest in promoting the efficiency of the public services it performs through its employees.

Employees do not speak on behalf of the District or a school unless specifically authorized by the Board or Superintendent.

Legal authority: U.S. CONST. amend. I; Const 1963, art I, § 5

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4222 Unauthorized Work Stoppage and Strikes

Employees are prohibited from engaging in a strike. A strike is the concerted failure to report for duty, the willful absence from a person's position, the stoppage of work, the refusal to perform or volunteer for duties that had been performed in the past, or the abstinence in whole or in part from the full, faithful, and proper performance of the employment duties for the purpose of inducing, influencing, or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment.

Employees who violate this Policy may be subject to discipline, including discharge, and financial penalties under the Public Employment Relations Act.

The District is prohibited from engaging in a lock-out, unless operations have been ceased, in whole or in part, due to a strike in violation of this Policy.

Legal authority: MCL 423.201, 423.202

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4200 Employee Conduct and Ethics

4223 Resignation

The Superintendent or designee is authorized to immediately accept an employee's verbal or written resignation on the Board's behalf. When the Superintendent or designee accepts a resignation from an Administrator, Supervisor, Director, Teacher, or Non-Teaching Professional, the Superintendent or designee will notify the Board of the resignation at its next meeting. The Superintendent or designee may notify the Board of Non-Exempt Staff resignations.

The Board may accept a Superintendent's verbal or written resignation.

A resignation is effective on the date of its acceptance or on a subsequent effective date specifically reflected in the offer of resignation and its acceptance.

Except as otherwise provided by law, a resignation is irrevocable upon acceptance.

Employees, other than teachers, must generally provide 30 days' advance written notice before resigning.

Teachers must provide written resignation notice at least 60 days before September 1, unless the Superintendent or designee consents to less advance notice. Otherwise, the Board may revoke the teacher's tenure rights as provided by the Teachers' Tenure Act.

Legal authority: MCL 38.111; MCL 380.11a(3)(d), 380.601a

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4224 Personnel Files and Payroll Information

A. Contents

The District will maintain accurate and up-to-date personnel files. A personnel file will include the physical or electronic records kept by the District that identify an employee, to the extent that the record is used or has been used for, or may affect or be used for, that employee's qualifications for employment, hire, promotion, transfer, compensation, or discipline. Personnel files may be electronically stored, in whole or in part, by the District in a secure manner.

The District will not suppress or remove information about unprofessional conduct from a personnel file as required by Revised School Code Section 1230b, regardless of any contrary term in any applicable collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or other agreement.

B. Payroll Records

The District will record and maintain the following payroll information for all employees:

1. name and social security number;
2. address, including zip code;
3. birth date;
4. sex;
5. occupation;
6. time and day when work week begins;
7. hours worked each day and work week;
8. hourly pay rate;
9. total daily or weekly straight-time earnings;
10. total overtime earnings for each work week;
11. all additions to or deductions from wages;
12. total wages paid each pay period; and
13. date of payment and pay period covered by the payment.

C. Employee Review

Employees may request to review their personnel file at a reasonable and mutually agreed upon time, with or without union representation. A central office employee will be present during the review. Employees requesting a copy of the personnel file may be charged a fee.

If there is a disagreement with information contained in a personnel file, the District and the employee may mutually agree to remove or correct that information, unless it concerns substantiated unprofessional conduct. If the District does not agree to remove or amend the information, the employee may submit a written statement explaining the employee's position (not exceeding 5 sheets of 8-1/2" x 11" paper). The written statement will be included if the information is disclosed to a third party.

D. Third Party Disclosure

Personnel file contents may be subject to disclosure under the Freedom of Information Act (FOIA). Certain documents in a personnel file may be subject to mandatory or permissible disclosure exemptions under FOIA. Disclosure of other personnel file information may be specifically prohibited or limited by state and federal statute. Before releasing information in response to a FOIA request for documents within an employee's personnel file, the District will review those documents to identify permissible and mandated disclosure exemptions.

Criminal history checks, unprofessional conduct checks, drug test results, confidential personal references, medical information, and other confidential information will be maintained in a separate, secure file.

Absent an employee's written consent or authorization, the District will not release an employee's discipline records to a third party, pursuant to a FOIA request or otherwise, unless the District has provided the employee with notice via first class mail to the employee's last known address, or another consented form of communication, which will be mailed on or before the day on which the information is released. Discipline more than 4 years old will not be disclosed unless the employee has executed a written release to disclose the records or as otherwise permitted by law, including Revised School Code Section 1230b.

Legal authority: MCL 15.231 et seq.; MCL 380.1230b; MCL 408.931 et seq.; MCL 423.501 et seq.

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4224-AG Personnel Files and Payroll Information

The following documents may be kept in an employee's personnel file. Some or all personnel documents may be maintained electronically. Before disclosing any employee's personnel file, the file must be reviewed for redaction and exemption under state and federal law. The personnel file may consist of four subfiles: (A) General Personnel File, (B) Financial/Benefit Personnel File, (C) Payroll Information, and (D) General Confidential File.

A. General Personnel File

1. Basic employee information.
2. Individual employment contract, if applicable.
3. Emergency contact information.
4. Job description.
5. Job application and resume.
6. Certifications and licenses.
7. Transcripts/Professional Development.
8. Performance evaluations.
9. Individual Development Plans.
10. Records relating to promotion, demotion, transfer, layoff, recall, rates of pay, and compensation.
11. Handbooks and policy acknowledgement forms.
12. Record of disciplinary action, including any substantiated instance of unprofessional conduct.
13. Termination documents, including separation, severance, and retirement agreements.
14. Employment references if the identity of the person making the reference would not be disclosed.
15. Attendance/absence records.
16. Accrued paid leave or compensatory time (if applicable).

B. Financial/Benefit Personnel File

The following documents may be kept separate from the employee's personnel file and the employee's confidential file:

1. Documents pertaining to worker eligibility, including I-9 forms, driver licenses, Equal Employment Opportunity records (documents in which employees self-identify their disability or veteran status).
2. Personal employee data, including bank information, social security number, income tax forms, and immigration forms.
3. Employee benefits documentation, including:
 - a. Enrollment forms;
 - b. Flexible Spending Account forms;
 - c. Election forms; and
 - d. COBRA or state continuation paperwork, if applicable.

C. Payroll Information

1. Payroll deduction authorization forms.
2. Direct deposit authorization.
3. Time sheets.
4. Compensatory time records (if applicable).
5. Overtime requests.
6. Employee expense report.
7. Reimbursement records.
8. Garnishment.

D. General Confidential File

The District will maintain a confidential file for each employee that is kept separate from other documents in the personnel file and kept in a secure location. Documents in this file may be exempt from disclosure under the Freedom of Information Act but should be reviewed on a case-by-case basis. The file shall maintain employee health information and confidential information, including:

1. Medical leave forms and documentation, including FMLA.
2. Employee accident incident reports.
3. Drug test results.

4. Background check.
5. Prior employer's unprofessional conduct reference.
6. Criminal history.
7. Grievances.
8. OSHA forms.
9. Documentation pertaining to employee investigations (only the memoranda of discipline should be kept in the personnel file).
10. Disability or Workers' Compensation Claim forms.
11. Documentation pertaining to ADA accommodation.

Adoption date:

Revised date:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4225 *Temporary Remote Work*

The Board recognizes that in-person work is an essential function of school employment. The Superintendent or designee may, however, permit certain employee positions to work remotely on a temporary basis during a health or safety risk declared by a local, State, or federal governmental authority or in other extraordinary circumstances.

- A. When determining whether to permit a position to work remotely in an extraordinary circumstance, the Superintendent or designee may consider the following factors:
 1. The duties of the position;
 2. The need to protect and access confidential student, personnel, and financial information;
 3. The need to supervise, direct, or evaluate students or personnel;
 4. The need to provide direct, physical services to students such as speech, physical, or occupational therapy;
 5. Working conditions outlined in the applicable collective bargaining agreement; and
 6. Other relevant factors as determined by the Superintendent or designee.
- B. If the District is providing in-person instruction, the following employees may not work remotely, unless required pursuant to Paragraph C below:
 1. Professional Staff;
 2. Administrators/Supervisors;
 3. Bus drivers;
 4. Secretaries;
 5. Food service employees;
 6. Custodians;
 7. School nurses;
 8. Daycare workers; and
 9. Paraprofessionals.

- C. Notwithstanding anything to the contrary in this Policy, an employee with a disability may request remote work as a reasonable accommodation under Policy 4105.

Granting a request to perform work remotely shall be considered temporary and does not obligate the District to grant remote work as a continuing reasonable accommodation.

- D. This Policy shall not limit the District's ability to determine the method of instruction to students or to provide instruction in the best interest of its students. The Board has the authority to determine whether students will receive instruction in-person, remotely, or through an alternative method.

Legal authority: MCL 380.11a(3); 42 USC § 12101 et seq.

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4227 Intentionally Left Blank

Date adopted:

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4226-F-1 Confidential Employee COVID-19 Vaccination Status Attestation

Pursuant to the Occupational Safety and Health Administration (“OSHA”) Emergency Temporary Standards (“ETS”) published on November 5, 2021 and adopted by the Michigan Occupational Safety and Health Administration, and pursuant to Policy 4226, employers are required to determine each employee’s vaccination status. An employee who lost or is otherwise unable to produce any document listed in Policy 4226(B)(2)(a)-(b) must complete this Form.

As a District employee, I attest that I am:

- Fully vaccinated against COVID-19.
- Partially vaccinated against COVID-19.
- Not vaccinated against COVID-19.

If fully or partially vaccinated, I provide the following information to the best of my knowledge:

COVID-19 Vaccine Type:

- Pfizer-BioNTech
- Moderna
- Johnson & Johnson’s Janssen

Vaccine Administration Date(s) _____

Name and address of physician or clinic administering vaccine:

I attest that I have lost or am otherwise unable to produce any document listed in Policy 4226(B)(2)(a)-(b).

I declare certify, verify, or state that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal and civil penalties and/or discipline.

Signature: _____ Date: _____

Print Name: _____

*****Form to be kept in a confidential file separate from employee’s personnel file*****

Series 4000: District Employment

4200 Employee Conduct and Ethics

4226-F-2 Notice of COVID-19 Emergency Temporary Standards

The following notice must be delivered to all employees either through hand-delivery or email on or before the Policy 4226 overall implementation date.

To be sent on District letterhead

[Date]

Dear [redacted]:

The District is providing this notice pursuant to the Occupational Safety and Health Administration (“OSHA”) Emergency Temporary Standards (“ETS”) published on November 5, 47.2752021 and adopted by the Michigan Occupational Safety and Health Administration. See 29 CFR 1910.501(j). The OSHA regulations require that this Notice be provided to all employees.

A. OSHA ETS Requirements & District Policies and Procedures

1. OSHA ETS Requirements

ETS requirements are in 29 CFR 1910.501. For an explanation of ETS requirements, please see OSHA’s [“COVID-19 Vaccination and Testing ETS.”](#)

2. District Policies and Procedures

The District’s ETS policy tracks ETS requirements and contains District procedures related to the ETS. The District’s ETS policy is Policy 4226, which can be found at the following link: [\[insert policy link\]](#)

B. COVID-19 Vaccine Information

For information about COVID–19 vaccine efficacy and safety and the benefits of being vaccinated, please see the CDC’s [“Key Things to Know About COVID–19 Vaccines.”](#)

C. Anti-Retaliation Provisions

Federal law prohibits employers from retaliating against an employee for certain actions. The relevant anti-retaliation provisions are in 29 CFR 1904.35(b)(1)(iv) and the OSH Act in 29 USC 660(c). These 2 provisions protect employees from retaliation for engaging in activities protected by OSHA statute or regulation.

Under 29 CFR 1904.35(b)(1)(iv), employers are prohibited from discharging or discriminating against employees for reporting a work-related injury or illness.

4226-F-2 Notice of COVID-19 Emergency Temporary Standards

Under 29 USC 660(c), employers are prohibited from discriminating against employees for exercising rights under or for being required to act under the ETS. It also protects employees from retaliation for filing an occupational safety or health complaint, reporting a work-related injury or illness, or otherwise exercising any rights afforded by the OSH Act.

For more information about anti-retaliation protections, please see OSHA's "[Workers' Rights under the COVID-19 Vaccination and Testing ETS.](#)"

D. Criminal Penalties for Providing False Information

Federal law provides criminal penalties associated with knowingly providing false statements or documentation. The relevant prohibitions on providing false information are in 18 USC 1001 and the OSH Act in 29 USC 666(g).

For more information, please see OSHA's "[Information for Employees on Penalties for False Statements and Records.](#)"

Thank you for your continued service to the District, its students, and the community. Your cooperation and dedication in these difficult times is appreciated and recognized.

[Insert District Signature Block]

Series 4000: District Employment

4200 Employee Conduct and Ethics

4226-F-3 *Emergency Temporary Standard Accommodation Request:* **CONFIDENTIAL**

Pursuant to the Occupational Safety and Health Administration (“OSHA”) Emergency Temporary Standards (“ETS”) published on November 5, 2021 and adopted by the Michigan Occupational Safety and Health Administration, and pursuant to Policy 4226, an employee may request an accommodation from a Policy 4226 COVID-19 vaccination, testing, or face covering requirement based on the employee’s disability or sincerely held religious belief, practice, or observance that conflicts with the COVID-19 vaccination, testing, or face covering requirement. An employee who requests an accommodation for one of these reasons must complete this Form.

Please select the Policy 4226 requirement(s) for which you are requesting an accommodation and the basis for your request:

- Vaccination
 - I cannot comply with the vaccination requirement because of my disability.
 - I cannot comply with the vaccination requirement because of my sincerely held religious belief, practice, or observance that conflicts with the vaccination requirement.
- Testing
 - I cannot comply with the testing requirement because of my disability.
 - I cannot comply with the testing requirement because of my sincerely held religious belief, practice, or observance that conflicts with the testing requirement.
- Face Covering
 - I cannot comply with the face covering requirement because of my disability.
 - I cannot comply with the face covering requirement because of my sincerely held religious belief, practice, or observance that conflicts with the face covering requirement.

For each Policy 4226 requirement for which you are requesting an accommodation based on religious reasons, please identify your religious belief, practice, or observance and how it conflicts with that requirement.

For each Policy 4226 requirement for which you are requesting an accommodation, please identify your preferred accommodation.

Please identify any other accommodations that would also eliminate the conflict between your disability or sincerely held religious belief, practice, or observance and the applicable requirement(s).

I declare that the above information is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal and civil penalties and/or discipline. Please be advised that the District is required to make reasonable accommodations pursuant to state and federal law but has no duty to grant all accommodation requests, especially those requests that pose a safety risk to others.

Signature: _____ Date: _____

Print Name: _____

*****Form to be kept in a confidential file separate from employee's personnel file*****

[Remove Note Before Use: If the employee requests an accommodation based on disability, engage in the interactive process under the Americans with Disabilities Act. See Policy 4105.]

Series 4000: District Employment

4200 Employee Conduct and Ethics

4227 Intentionally Left Blank

Date adopted:

Date revised:

Series 4000: District Employment

4300 Non-Exempt Staff

4301 Definition

“Non-exempt staff” may include transportation, custodial, maintenance, food service, clerical, and paraprofessional employees and other employees who do not meet an exemption under the Fair Labor Standards Act or the Michigan Improved Workforce Opportunity Wage Act. The term does not include “exempt” professional staff, administrators, supervisors, or the Superintendent (as defined in Policies 4401, 4501, and 4601). Non-exempt staff are employed at-will and their employment may be altered or terminated at any time with or without cause, unless governed by a collective bargaining agreement or individual employment contract containing a different standard of employment security.

Unless otherwise provided by a collective bargaining agreement or individual employment contract, non-exempt staff will be subject to a probationary period of 1 work year.

Legal authority: 29 USC 201 et seq.; MCL 380.11a(3), 380.601a; MCL 408.934a

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4300 Non-Exempt Staff

4302 Employee Pay, Including Minimum Wage and Overtime

Non-exempt staff will receive hourly compensation at a rate not less than the hourly minimum wage required by federal or state law, whichever is greater. Wages will be paid for all hours worked, including for training time required by the District.

Non-exempt staff will receive overtime compensation at a rate of 1.5 times his/her regular hourly rate for work more than 40 hours in a work week, unless a higher rate is established through a collective bargaining agreement or other written agreement covering the non-exempt staff member. Paid leave time (e.g., vacation, sick, or personal days) will not count as hours worked for overtime compensation, unless otherwise stated in a collective bargaining agreement or individual employment contract.

Overtime work must be pre-approved by a supervisor and properly recorded.

If the non-exempt staff member is compensated at multiple hourly wage rates during a work week, the overtime rate will be based on a weighted blend (by hours worked at each wage rate) of the wage rates earned by the employee in the applicable work week.

Collective bargaining agreements and individual employment contracts may provide for additional overtime compensation.

Legal authority: 29 USC 201 et seq.; MCL 408.931 et seq.

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4300 Non-Exempt Staff

4303 *Compensatory Time*

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Legal authority: 29 USC 207; MCL 408.414a, 408.934a

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4300 Non-Exempt Staff

4304 Employee Timekeeping Responsibilities

Non-Exempt Staff must record all hours worked in compliance with District procedures. Non-Exempt Staff will be compensated for authorized recorded hours worked, including preliminary and subsequent work activities and overtime. Timekeeping records must reflect actual time worked to ensure accurate payment of wages.

Substantiated falsification or misrepresentation of hours worked may result in discipline, including discharge.

Legal authority: 29 USC 201 et seq.; MCL 408.471 et seq.

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4300 Non-Exempt Staff

4304-AG Timekeeping and Payroll Information

A. Hours Worked

1. Generally, an employee must be compensated for hours worked, which includes:
 - a. Time during which the employee is required to be on duty or to be on premises; and
 - b. Time during which the employee is suffered or permitted to work, regardless whether the employee is required to work at that time.
2. Examples of hours worked include:
 - a. Required preliminary and concluding activities, such as a bus driver completing an incident report or cleaning the bus.
 - b. Waiting time or on-call time during which the employee is unable to use the time effectively for the employee's own purposes.
 - c. Time spent at Board meetings or other school functions, if the employee's attendance is required as part of the employee's position.
 - d. Short rest periods or breaks (5-20 minutes) where an employee is required to remain on-site.
 - e. Time spent traveling between job sites during the work day.
 - f. A reasonable amount of time to express breast milk if pay is provided for other short breaks.
3. Employees must be paid at least an hourly rate not less than the hourly minimum wage required by federal or Michigan law, whichever is greater. "Stipends" or other specific pay rates for extra-duty positions or activities must satisfy a minimum wage taking into account all of the hours worked by the employee. All hours worked must be reported.
4. Employees who work more than 40 hours in a work week (i.e., 7-day period) must receive compensation at a rate of at least 1.5 times his/her regular hourly rate for each hour in excess of 40 hours worked, unless otherwise provided by the collective bargaining agreement or individual employment contract. Overtime must be calculated and paid consistent with Policy 4302. Paid time (e.g., holidays, personal leave days, sick time, etc.) that is not actually worked by the employee does not count for time worked, unless otherwise provided by the collective bargaining agreement or individual employment contract.

B. Reporting Hours Worked

1. Ensure that procedures are in place for employees to record all hours worked, including overtime, and that employees are not discouraged or prevented from reporting all hours worked consistent with state and federal law.
2. Employees will record hours worked, including overtime hours, in the manner prescribed by the District.
3. Actual hours worked are to be accurately recorded by the employee. Any overtime must be approved in advance by the supervisor, except in cases of emergency.
4. Falsification of time records is serious misconduct and may subject the employee to discipline, up to and including discharge.

Adoption date:

Revised date:

Series 4000: District Employment

4300 Non-Exempt Staff

4305 Michigan Paid Medical Leave Act (MPMLA)

A. General

Eligible Non-Exempt Staff may accrue and use paid leave as provided by the MPMLA. Applicable provisions of a collective bargaining agreement, individual employment contract, or handbook, which exceed the rights provided to Non-Exempt Staff under the MPMLA, remain in place.

This Policy does not apply to employees exempt from the overtime requirements of the Fair Labor Standards Act (e.g., employees meeting the FLSA's definition for the professional, administrative, or executive exemptions).

If a collective bargaining agreement with an effective date before March 29, 2019 is in effect, the MPMLA does not apply to Non-Exempt Staff subject to that collective bargaining agreement until either: (a) the collective bargaining agreement's expiration date, or (b) the execution of a successor agreement, whichever is earlier. The MPMLA does not preempt or override the terms of a collective bargaining agreement in effect before March 29, 2019.

B. Definitions

1. Benefit year: the 12-month period from July 1 to June 30.
2. Family member:
 - a. biological, adopted, or foster child, stepchild or legal ward, or a child to whom the eligible employee stands *in loco parentis*.
 - b. biological parent, foster parent, stepparent, or adoptive parent or legal guardian of an eligible employee or an eligible employee's spouse, under the laws of any state, or a person who stood *in loco parentis* when the eligible employee was a minor child.
 - c. grandparent, grandchild, and biological, foster, or adopted sibling.
3. All other MPMLA-defined terms apply to this Policy.

C. Eligibility

A newly hired Non-Exempt Staff member may not use accrued MPMLA leave until 90 calendar days after the staff member's start date, unless otherwise provided in a collective bargaining agreement, individual employment contract, or employee handbook.

A staff member is not eligible under the MPMLA if the member:

1. is “exempt” from the FLSA’s overtime compensation requirements;
2. is employed by the District for fewer than 25 weeks in a calendar year for a job scheduled for 25 weeks or fewer;
3. worked, on average, fewer than 25 hours per week during the immediately preceding calendar year;
4. is subject to Improved Workforce Opportunity Wage Act Section 4b (i.e., an employee who is under age 20 and working as a trainee or is less than age 18);
5. is a variable hour employee as defined in 26 CFR 54.4980H-1;
6. is employed by a “temporary help firm” as described in Michigan Employment Security Act Section 29(1)(l); or
7. meets any other exclusion in MPMLA Section 2(e).

D. Accrual of MPMLA Leave

An eligible Non-Exempt Staff member will accrue MPMLA leave at a rate of 1 hour for every 35 hours worked. An eligible Non-Exempt Staff member begins accruing MPMLA leave on March 31, 2019 or the member’s start date, whichever is later.

- An eligible Non-Exempt Staff member may not accrue more than 1 hour of MPMLA leave in a calendar week.
- An eligible Non-Exempt Staff member may only accrue and use up to 40 hours of MPMLA leave in a single benefit year.
- An eligible Non-Exempt Staff member will not carry over more than 40 hours of accrued MPMLA leave to a new benefit year.

E. Qualifying Circumstances

An eligible Non-Exempt Staff member may use accrued MPMLA leave for the staff member or the staff member’s family member(s) for the following reasons:

1. mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or preventative medical care;
2. for a victim of domestic violence or sexual assault, any related medical care or counseling for physical or psychological injury or disability, victim services or legal services, judicial proceedings, or relocation related to or resulting from the domestic violence or sexual assault; or
3. for closure of an eligible Non-Exempt Staff member’s primary workplace by order of a public official due to a public health emergency; for a Non-Exempt Staff member’s need to care for a child whose school or place of care has been closed by order of a public official; or due to a determination by health

authorities that the presence of an eligible Non-Exempt Staff member or family member in the community would jeopardize the health of others due to exposure to a communicable disease whether or not the eligible Non-Exempt Staff member or family member has actually contracted the communicable disease.

F. Use of MPMLA Leave

When requesting MPMLA leave, an eligible Non-Exempt Staff member must comply with the notice, procedure, and documentation requirements in an applicable collective bargaining agreement, individual employment contract, handbook, or as customarily required by the District. Upon District request, the Non-Exempt Staff member has 3 days to provide sufficient documentation substantiating eligibility for MPMLA leave.

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

- a police report indicating that the eligible Non-Exempt Staff member or family member was a victim of domestic violence or sexual assault;
- a signed statement from a victim and witness advocate affirming that the eligible Non-Exempt Staff member or family member is receiving services from a victim services organization; or
- a court document indicating that the eligible Non-Exempt Staff member or a family member is involved in legal action related to domestic violence or sexual assault.

All health, sexual assault, and domestic violence information and documentation received from a Non-Exempt Staff member about MPMLA leave remains confidential and will not be disclosed, except to the staff member, with the staff member's written permission, or as and to the extent required by law.

Failure to comply with notice procedures for document requests to support the MPMLA leave may result in discipline, including discharge, or ineligibility for MPMLA leave.

Unless otherwise provided in an eligible Non-Exempt Staff member's collective bargaining agreement, individual employment contract, or handbook:

- MPMLA leave must be used in hour increments;
- a Non-Exempt Staff member using MPMLA leave will not receive overtime pay, holiday pay, or bonuses for MPMLA leave time;
- upon discharge or other separation from employment, an eligible Non-Exempt Staff member automatically loses accrued MPMLA leave; and

- accrued MPMLA leave that is not used before a Non-Exempt Staff member's discharge or any other separation from employment will have no monetary value.

G. Notice and Recordkeeping

The District will provide notice of the MPMLA by displaying in a conspicuous location in each of its buildings the MPMLA poster created by the Michigan Department of Licensing and Regulatory Affairs.

The District will retain records of each Non-Exempt Staff member's accrual and use of MPMLA leave for not less than 1 year.

Legal authority: MCL 408.934b, 408.961 et seq.

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4300 Non-Exempt Staff

The Board authorizes the Superintendent or designee to assign and transfer Non-Exempt Staff to meet identified District needs, including curricular, fiscal, personnel management, or other operating reasons. The Superintendent's or designee's authority includes assignment, transfer, and the addition or removal of Non-Exempt Staff member's duties and responsibilities. In exercising authority pursuant to this Policy, the Superintendent or designee will comply with the applicable collective bargaining agreement or individual employment contract.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4300 Non-Exempt Staff

4307 Performance Evaluation

The Superintendent or designee will determine the frequency of evaluations for Non-Exempt Staff not covered by a collective bargaining agreement that addresses evaluation frequency.

Unless an evaluation tool is specified in a Non-Exempt Staff member's collective bargaining agreement, the Superintendent or designee may select an evaluation tool that serves the District's best interests.

Non-Exempt Staff covered by a collective bargaining agreement or individual employment contract will be evaluated using the procedures and criteria set forth in that agreement.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4300 Non-Exempt Staff

4307-AG Performance Evaluation

Policy 4307 provides that the Superintendent or designee will: (1) select the evaluation tool to be used for non-exempt (hourly) staff; (2) determine the frequency of the evaluation for the employee; and (3) identify the evaluator. The employee will be informed of the evaluator and provided a copy of the evaluation tool. The evaluator will be familiar with the employee's work and job responsibilities.

A. Evaluation Factors

The evaluation tool may include performance and proficiency standards, an employee's attendance, punctuality, knowledge of job duties, quality and effectiveness of work, productivity and initiative, ability to work with others, attitude, reliability, and other factors relevant to the employee's job duties that allow a full and complete assessment of an employee's job performance.

B. Evaluation Frequency

Generally, the evaluation frequency should be consistent for both union and non-union employees. Annual evaluations are encouraged. Probationary employees should be evaluated at least once during the probationary period, unless otherwise provided by the collective bargaining agreement.

C. Evaluation Rating

At a minimum, evaluation scores will include designations such as **ineffective, minimally effective, effective, or highly effective**. An evaluator may place an employee on an improvement plan, as determined by the evaluator and consistent with the applicable collective bargaining agreement.

D. Signatures of Evaluator and Employee

The evaluator and the employee must sign and date the evaluation. The evaluation tool may include a statement that by signing the evaluation, the employee acknowledges receipt of, rather than agreement with, the evaluation. The employee may provide a written rebuttal, not to exceed 5 pages, within 14 calendar days, which will be attached to the evaluation.

E. Optional Evaluation Conference

At the employee's or employer's request, the evaluator may conduct an evaluation conference to review the evaluation and any improvement plan.

F. Inclusion in Personnel File

The evaluation will be retained in the personnel file and may be stored electronically.

Adoption date:

Revised date:

Series 4000: District Employment

4300 Non-Exempt Staff

4308 *Reduction and Recall of Non-Exempt Staff*

The Board, in its sole discretion, may determine that a reduction in force of a Non-Exempt Staff member is appropriate due to curricular, fiscal, personnel management, or other operating conditions. A reduction in force may consist of a reduction of hours or personnel. Reductions in force and recalls are subject to Board approval.

A. Staff Subject to a Collective Bargaining Agreement or Individual Employment Contract

If the Board determines that a reduction of Non-Exempt Staff governed by a collective bargaining agreement or individual employment contract is necessary, the Superintendent will implement a reduction in force in conformance with the applicable agreement(s).

B. Non-Exempt Staff Not Subject to a Collective Bargaining Agreement or Individual Employment Contract Containing Reduction and Recall Provisions

1. Reduction in Force

The Superintendent or designee will make reduction in force recommendations to the Board. The Superintendent's or designee's recommendation to the Board may consider the following criteria for reduction, which are not in order of priority or weight:

- a. programs and services to be offered;
- b. employee qualifications, abilities, skills, and education;
- c. federal, state, and local funding;
- d. employment experience that is relevant to an assignment;
- e. federal and state laws or regulations that may mandate certain employment practices;
- f. special or advanced training that would be of present or future value to the District;
- g. the organizational and educational effect caused by a reduction of Non-Exempt Staff member(s);
- h. formal and informal evaluation of Non-Exempt Staff performance by a supervisor;
- i. length of service with the District and within a classification; and

- j. any other criteria that are rationally related to providing effective support services and operation of or administration of the District, such as discipline record and compliance with attendance Policies and procedures.

2. Notification

Notice will be provided as follows:

- a. Before the Board considers a reduction in force, the Superintendent or designee will notify, in writing, each affected non-exempt staff member that the Superintendent or designee is recommending a reduction in force or hours that would affect the non-exempt staff member and the date and time of the Board meeting at which the Board will consider the reduction in force.
- b. After the Board's decision on reduction in force, the Superintendent or designee will provide written notice of the Board's action to the affected non-exempt staff member(s).
- c. A non-exempt staff member who is subject to a reduction in force must, during the period which the member is eligible for recall, provide the District with an accurate residential address, email address, and phone number and report any subsequent change in the employee's contact information. Failure to maintain current contact information may be deemed a waiver of recall rights.
- d. The District may allow a laid off non-exempt staff member to be included on the District's list of substitutes at the Superintendent's or designee's discretion. If the District uses a laid off non-exempt staff member as a substitute, remuneration will be determined by the District or an applicable collective bargaining agreement.

C. Recall

A Non-Exempt Staff member subject to a reduction in force as described above will have preferred rights to recall to employment for a period of 12 months commencing on the date that the District implemented the reduction in force. The Non-Exempt Staff member will be recalled to any position within the member's classification. Recall decisions will be based on the criteria specified in subsection B.1 of this Policy.

A Non-Exempt Staff member who declines an offer of recall to a position comparable to that held at the time of layoff or for which he/she is otherwise qualified will be removed from the recall list and will forfeit any further employment rights with the District.

A Non-Exempt Staff member must respond within 10 days after the date the District sent notice of recall. Failure to do so may be deemed a waiver of recall rights.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4300 Non-Exempt Staff

4309 *Discipline and Termination*

A. Discipline

The Superintendent or designee may discipline non-exempt staff for behavior warranting discipline, as determined by the Superintendent or designee, provided the discipline is not for an unlawful reason. Off-duty conduct may result in discipline if it adversely affects the District and is not a legally protected activity. Before discipline is imposed, the Non-Exempt Staff member will be provided notice of the alleged inappropriate behavior and an opportunity to respond to the allegations.

A Non-Exempt Staff member governed by a collective bargaining agreement or individual employment contract will be disciplined consistent with the procedures and standards specified within that agreement.

A Non-Exempt Staff member who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy 4108.

The Superintendent or designee will record discipline in writing, if warranted. Written discipline will be placed in the Non-Exempt Staff member's personnel file. The Non-Exempt Staff member may submit a written rebuttal letter consistent with Policy 4224.

Consistent with Revised School Code Section 1230b, unprofessional conduct will not be suppressed or removed from a personnel file.

B. Termination

A Non-Exempt Staff member is employed at-will and subject to discharge by the Superintendent or designee, with or without cause, provided the discharge is not for an unlawful purpose, unless a collective bargaining agreement, individual employment contract, law, Policy, or handbook provides otherwise.

Legal authority: MCL 380.1230b(6); MCL 423.501 et seq.; *NLRB v J. Weingarten, Inc.*, 420 US 251 (1975)

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4400 Professional Staff

4401 Definition

A. General

Professional Staff primarily perform work that requires advanced knowledge or work that is intellectual in nature, consistent with the FLSA's definition of "professional." The Professional Staff member's area of expertise is related to learning or comes from prolonged course of study, including teachers and Non-Teaching Professionals, but excluding Administrators/Supervisors (as defined under Policy 4501) and the Superintendent (as defined under Policy 4601).

B. Teachers

Teachers are professional persons who provide or direct instruction to students and must be appropriately qualified and certified for the assigned teaching position, consistent with federal and state law and District Policies. Each teacher shall maintain required qualifications and certification as a condition of that teacher's continued employment.

A classroom teacher employed by the District must: (1) have a valid Michigan teaching certificate or authorization to teach under the law (see Revised School Code Section 1233b); and (2) be assigned by the District to deliver direct instruction to students as a teacher of record.

A teacher must promptly notify the Superintendent or designee, in writing, if the teacher's certification or authorization expires, is revoked, or nullified. Failure to provide this written notice, whether willfully or negligently, may result in discipline, including discharge.

C. Non-Teaching Professionals

Non-Teaching Professionals are "other Professional Staff" who are not teachers and who meet the professional exemption under the FLSA, such as counselors (i.e., those counselors who are not certified teachers), social workers, teacher consultants, behavior specialists, speech pathologists (i.e. who are not certified teachers), physical or occupational therapists, nurses, and psychologists. A Non-Teaching Professional is not required by law to hold a teaching certificate or authorization for the assigned duties. Each Non-Teaching Professional must be qualified and certified as required by the Board or federal and state law. Each Non-Teaching Professional must maintain those qualifications and certifications as a condition of that person's continued employment.

A Non-Teaching Professional must promptly notify the Superintendent or designee, in writing, if the person's certification, license, or endorsement expires, is revoked,

or nullified. Failure to provide this written notice, whether willfully or negligently, may result in discipline, including discharge.

Legal authority: 29 USC 201 et seq.; MCL 38.81 et seq.; MCL 380.1231, 380.1233, 380.1233b, 380.1236, 380.1237

Date adopted: November 8, 2021

Dated revised: December 12, 2022

Series 4000: District Employment

4400 Professional Staff

4402 *Assignment and Transfer*

The Superintendent or designee has authority to assign or transfer Professional Staff, and to add or remove duties and responsibilities.

A. Teachers

The appropriate placement of effective teachers is an essential component in promoting student academic growth, educational outcomes, and quality educational services. The Superintendent or designee may assign, transfer, place, or fill vacant positions at the Superintendent's or designee's discretion.

Placement includes assignment, transfer, or the filling of a vacant position with current staff or newly hired teachers.

Placement does not include reduction in force or recall decisions governed by Policy 4405.

Teacher placement decisions should be based on the following factors:

1. Staffing the curriculum with the most effective, certified, and qualified teachers to instruct the applicable courses and grades.
2. The teacher holding proper certification, approval, or authorization for all aspects of the assignment. The certification, approval, or authorization, as applicable, will be determined by provisions of the Revised School Code, MDE's Teacher Certification Code and Rules for Special Education Programs and Services, and other applicable statutes and regulations.
3. The teacher's qualifications, including:
 - a. compliance with applicable federal or state regulations, including foundations, grants, or categorical funding requirements;
 - b. accreditation;
 - c. professional training and relevant academic preparation;
 - d. prior relevant teaching experience; and
 - e. other relevant factors as determined by the Superintendent or designee.
4. Additionally, teacher placement may be made based on teacher effectiveness, as determined through the teacher effectiveness criteria established in Revised School Code Section 1248 and Policy 4403.

B. Non-Teaching Professionals

If a collective bargaining agreement or individual employment contract governs the Non-Teaching Professional's employment, the Superintendent or designee will adhere to the applicable language on assignment or transfer.

If no applicable collective bargaining agreement or individual employment contract exists or if an existing collective bargaining agreement or individual employment contract agreement does not address the assignment or transfer of Non-Teaching Professionals, the Superintendent or designee is authorized to assign and transfer Non-Teaching Professionals at the Superintendent's or designee's discretion, in conformance with subsection A of this Policy.

C. Vacancies may be posted consistent with Policy 4205.

Legal authority: MCL 380.11a, 380.601a, 380.1248; MCL 423.215(3)(j), 423.215(4)

Date adopted: November 8, 2021

Dated revised:

Series 4000: District Employment

4400 Professional Staff

4403 Performance Evaluation

Performance evaluations are essential to provide quality educational services and to measure competency. This Policy does not diminish the Board's authority or ability to non-renew a professional staff member's contract at the end of the contract's term, consistent with applicable statutes, collective bargaining agreements, Policies, and individual employment contracts.

A. Teachers

Teachers will be evaluated pursuant to a performance evaluation system under Revised School Code Section 1249 and the Teachers' Tenure Act. This performance evaluation system will include, as appropriate, the following:

1. an annual evaluation process that meets statutory standards;
2. an evaluation tool that incorporates components required by law, including:
 - a. individual performance as a majority factor, including student growth (predominant factor), pedagogical skills (teacher's knowledge of the subject area and ability to impart that knowledge and preparation), classroom management, and relationships with students, parents/guardians, and other teachers;
 - b. student growth as required by law;
 - c. attendance and discipline;
 - d. significant, relevant accomplishments and contributions; and
 - e. relevant special training other than required professional development or continuing education.
3. an individualized development plan (IDP) for all probationary teachers, for teachers rated minimally effective or ineffective, or at the evaluator's discretion where performance deficiencies are noted;
4. classroom observations with appropriate feedback;
5. a mid-year progress report, if required by law;
6. an annual performance evaluation numerical score ("year-end effectiveness score"), unless the person qualifies for a biennial evaluation, correlated to effectiveness ratings of highly effective, effective, minimally effective, or ineffective;

7. a tool approved by MDE, a modified tool (if posting requirements are met), or a local evaluation tool if adopted in compliance with Revised School Code Section 1249 and corresponding regulations;
8. website posting of required information for the evaluation tool;
9. training on the evaluation tool for teachers and evaluators as required by law; and
10. other components that the Superintendent or designee deems relevant, important, or in the District's best interests.

If a tenured teacher is rated ineffective on 3 consecutive year-end annual evaluations, the teacher shall be discharged consistent with due process. The District is not precluded from discharging a teacher at other times as provided by the Teachers' Tenure Act.

B. Non-Teaching Professionals Subject to the Teachers' Tenure Act

The performance evaluation system for a Non-Teaching Professional with a teaching certificate who is subject to the Teachers' Tenure Act must include multiple observations. An IDP will be developed during the employee's probationary period. Except during the probationary period, which must include annual evaluations, the Superintendent or designee will evaluate the employee's performance at intervals determined by the Superintendent or designee. The Superintendent or designee has discretion to select and use an evaluation tool that serves the District's best interests.

The Superintendent or designee also has discretion to implement an IDP if performance deficiencies are noted, regardless of the employee's effectiveness rating.

C. Non-Teaching Professionals Not Subject to the Teachers' Tenure Act

For Non-Teaching Professionals without a teaching certificate who are not subject to the Teachers' Tenure Act, the Superintendent or designee will evaluate the employee's performance at intervals determined by the Superintendent or designee, except annual evaluation will be performed during the employee's probationary period. The Superintendent or designee has discretion to select and use an evaluation tool that serves the District's best interests.

An IDP may be established at the Superintendent's or designee's discretion.

If the Non-Teaching Professional's employment is governed by a collective bargaining agreement or individual employment contract, the Superintendent or designee will adhere to the applicable language on evaluation.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a, 380.1233b, 380.1248, 380.1249; 380.1249a(2); MCL 423.215

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4400 Professional Staff

4403-F Performance Evaluation - Optional Checklist for Adopting Performance Evaluation System

Optional Checklist for Adopting Performance Evaluation System

	At-a-Glance	Requirements	System Documentation	Responsible Person(s)
1	Involvement of Teachers and Administrators	<input type="checkbox"/> Before the District adopted the evaluation system, was there “involvement” from teachers and administrators?		
2	Effectiveness Rating	Does the District’s evaluation system: <ul style="list-style-type: none"> <input type="checkbox"/> Rate teachers as highly effective, effective, minimally effective, or ineffective? <input type="checkbox"/> Assign an effectiveness rating based on the teacher’s score on the annual year-end evaluation? <input type="checkbox"/> Use multiple rating categories? <i>and</i> <input type="checkbox"/> Require dismissal of a teacher who has been rated ineffective on 3 consecutive year-end evaluations? Is the evaluation system used to inform decisions regarding: <ul style="list-style-type: none"> <input type="checkbox"/> Teacher effectiveness? <input type="checkbox"/> Teacher promotion and retention? <input type="checkbox"/> Teacher development, including providing coaching, professional development, and instructional support? <i>and</i> <input type="checkbox"/> Whether to “grant” tenure or certification? 		
3	Rigorous, Transparent, Fair, and Streamlined	<ul style="list-style-type: none"> <input type="checkbox"/> Is the evaluation system rigorous, transparent, and fair? <input type="checkbox"/> Are the evaluation procedures streamlined, transparent, and fair? 		

4403-F Performance Evaluation - Optional Checklist for Adopting Performance Evaluation System

	At-a-Glance	Requirements	System Documentation	Responsible Person(s)
4	Evaluation Tool	<input type="checkbox"/> Has the District adopted and implemented: <ul style="list-style-type: none"> <input type="checkbox"/> An evaluation tool from the MDE list in RSC Section 1249(5)? <li style="text-align: center;"><i>or</i> <input type="checkbox"/> A modified tool from the list? <li style="text-align: center;"><i>or</i> <input type="checkbox"/> A local evaluation tool? <input type="checkbox"/> Are all similarly situated teachers in the District evaluated using the same tool?		
5	Website Postings	Has the District posted on its website the following information about the evaluation tool(s) it uses for the teacher performance evaluation system: <ul style="list-style-type: none"> <input type="checkbox"/> Research base for evaluation framework, instrument, and process? <input type="checkbox"/> Assurance that any modifications or adaptations to evaluation tool do not compromise the validity of the research base? <input type="checkbox"/> Identity and qualifications of the evaluation tool's author(s) or the identity and qualifications of the person(s) with expertise in teacher evaluation who has/have reviewed any adaptation(s) or modification(s) to the tool? <input type="checkbox"/> Either: <ul style="list-style-type: none"> <input type="checkbox"/> Evidence of reliability, validity, and efficacy (or a plan for developing that evidence) of the evaluation tool? <i>or</i> <input type="checkbox"/> Assurance that any adaptations or modifications of the tool do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process? <input type="checkbox"/> Evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators? <input type="checkbox"/> Description of processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans? <input type="checkbox"/> Description of plan for providing training to evaluators and observers? 		

4403-F Performance Evaluation - Optional Checklist for Adopting Performance Evaluation System

	At-a-Glance	Requirements	System Documentation	Responsible Person(s)
6	Training	<ul style="list-style-type: none"> <input type="checkbox"/> Is training on the evaluation tool(s) provided: <ul style="list-style-type: none"> <input type="checkbox"/> To teachers, evaluators, and observers? <i>and</i> <input type="checkbox"/> By a qualified trainer? <input type="checkbox"/> Note: RSC Section 1249(2)(n) states that an individual with “expertise” in the tool(s) used by the District must provide training for evaluators and observers. The trainer can be a consultant or an individual who “has been trained to train others in the use of the evaluation tool or tools.” 		
7	Annual Year-End Evaluation	<ul style="list-style-type: none"> <input type="checkbox"/> Is there at least an annual year-end evaluation? <ul style="list-style-type: none"> <input type="checkbox"/> Does the year-end evaluation contain the required student growth/assessment data? (See No. 13 below) <input type="checkbox"/> Is the portion of the year-end evaluation that is not based on student growth/assessment data based primarily on teacher performance as measured by the evaluation tool adopted by the District? <input type="checkbox"/> Does the portion of the year-end evaluation that is not measured using student growth / assessment data or by the adopted evaluation tool incorporate the criteria enumerated in RSC Section 1248(1)(b)(i) to (iii)? (See Nos. 14-16 below) <input type="checkbox"/> Does the evaluation system provide that if a teacher has been rated as highly effective on 3 consecutive year-end evaluations, the District may choose to conduct that teacher’s evaluation every 2 years rather than annually? <input type="checkbox"/> Does the evaluation system provide that a tenured teacher who is rated as ineffective on an annual year-end evaluation may request the Superintendent to review the evaluation and rating based on the following? <ul style="list-style-type: none"> <input type="checkbox"/> Teacher must submit his/her request within 20 days after the teacher is informed of the ineffective evaluation rating; <input type="checkbox"/> Teacher cannot request review more than twice in a 3-school-year period; <i>and</i> <input type="checkbox"/> Upon receipt of the request, Superintendent shall review the evaluation and the rating and may make any appropriate modifications. <input type="checkbox"/> Note: While not part of RSC Section 1249, the Tenure Act requires that a probationary teacher’s year-end evaluation be based on classroom observations and include at least an assessment of the probationary teacher’s progress on his/her individualized development plan (IDP). 		

4403-F Performance Evaluation - Optional Checklist for Adopting Performance Evaluation System

	At-a-Glance	Requirements	System Documentation	Responsible Person(s)
		<input type="checkbox"/> Note: While not part of RSC Section 1249, the Tenure Act requires that the year-end evaluation of a tenured teacher contain “multiple classroom observations” and an assessment of the teacher’s progress in meeting IDP goals.		
8	Classroom Observations	<input type="checkbox"/> Are classroom observations included in the performance evaluation? <input type="checkbox"/> Does each observation include review of: <input type="checkbox"/> Lesson plan? <input type="checkbox"/> State curriculum standard being used? <i>and</i> <input type="checkbox"/> Student engagement in the lesson? <input type="checkbox"/> Note: An observation does <i>not</i> need to be for an entire class period. <input type="checkbox"/> Note: Tenure Act specifies that the “format and number” of classroom observations is to be determined by the District in “consultation” with teachers and administrators. <input type="checkbox"/> For teachers <i>not</i> rated as effective or highly effective on their 2 most recent year-end evaluations: <input type="checkbox"/> Are at least 2 classroom observations required each school year? <input type="checkbox"/> Is at least 1 observation unscheduled? Caution: The Tenure Act provides that tenured teacher evaluations are to be supported by “multiple” observations. <input type="checkbox"/> Will the Administrator responsible for the teacher’s evaluation conduct at least one of the observations? <input type="checkbox"/> Note: Other observations may be conducted by observers who are trained in the evaluation tool. <input type="checkbox"/> Note: These other observers <i>may</i> be teacher leaders. <input type="checkbox"/> Is observation feedback required to be provided to teachers within 30 days after <i>each</i> observation? (See No. 10 below)		
9	Specific Performance Goals	<input type="checkbox"/> Does the year-end evaluation have specific performance goals that will assist the teacher in improving effectiveness in the next school year? <input type="checkbox"/> Have those goals been developed in consultation with the teacher?		

4403-F Performance Evaluation - Optional Checklist for Adopting Performance Evaluation System

	At-a-Glance	Requirements	System Documentation	Responsible Person(s)
		<ul style="list-style-type: none"> <input type="checkbox"/> Has recommended training been identified that will assist the teacher in meeting those goals? <i>and</i> <input type="checkbox"/> For first year probationary teachers and for any teacher who received a minimally effective or ineffective rating on his/her most recent year-end evaluation, is there also: <ul style="list-style-type: none"> <input type="checkbox"/> An IDP that includes the above goals? <i>and</i> <input type="checkbox"/> Training designed to assist the teacher with improving his/her effectiveness? 		
10	Timely and Constructive Feedback	<ul style="list-style-type: none"> <input type="checkbox"/> Is there timely and constructive feedback? <input type="checkbox"/> Is there a requirement that observation feedback be given to teachers <i>within</i> 30 days after <i>each</i> observation? 		
11	Mid-Year Progress Reports and Mentors	<p>For first year probationary teachers and for any teacher who received a minimally effective or ineffective rating on his/her most recent year-end evaluation, is there a mid-year progress report with all of the following attributes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Based at least in part on student achievement? <input type="checkbox"/> Aligned with the teacher’s individualized development plan? <input type="checkbox"/> Contains specific performance goals for the remainder of the school year (developed in consultation with the teacher)? <input type="checkbox"/> Contains recommended training that would assist the teacher with meeting the goals? <i>and</i> <input type="checkbox"/> Contains a written improvement plan that includes: <ul style="list-style-type: none"> <input type="checkbox"/> Above goals? <i>and</i> <input type="checkbox"/> Recommended training? <input type="checkbox"/> Note: RSC Section 1249 <i>encourages</i> mentors for these teachers; however, mentors are <i>required</i> to be appointed for all teachers with less than 3 years of teaching experience under RSC Section 1526. 		
12	Ample Opportunities for Improvement	<ul style="list-style-type: none"> <input type="checkbox"/> Are there “ample opportunities for improvement”? <input type="checkbox"/> Is there a written improvement plan as part of the mid-year progress <i>report</i> for first year probationary teachers and for any teacher who has received an 		

4403-F Performance Evaluation - Optional Checklist for Adopting Performance Evaluation System

	At-a-Glance	Requirements	System Documentation	Responsible Person(s)
	<ul style="list-style-type: none"> • Improvement Plans • IDPs 	<p>ineffective or a minimally effective rating on their most recent year-end evaluation?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Note: While not part of RSC Section 1249, all probationary teachers are required to have an IDP developed by administrative personnel in consultation with the probationary teacher. <input type="checkbox"/> Note: While not part of RSC Section 1249, if a tenured teacher receives a rating of minimally effective or ineffective on his/her year-end evaluation, the District must provide that tenured teacher with an IDP developed by administrative personnel in consultation with the tenured teacher. Remediation period for tenured teachers under IDP: <ul style="list-style-type: none"> <input type="checkbox"/> Must be specified <input type="checkbox"/> Shall not exceed 180 days <input type="checkbox"/> Note: While not part of RSC Section 1249, the year-end performance evaluation should clearly indicate which IDP goals the teacher met or did not meet. 		
13	Student Growth	<ul style="list-style-type: none"> <input type="checkbox"/> Are there “clear” approaches to measuring student growth? <input type="checkbox"/> Is 40% of annual year-end evaluation based on student growth and assessment data? <input type="checkbox"/> Are teachers and administrators provided relevant data on student growth? <input type="checkbox"/> Are there “multiple measures” of student growth (e.g., student learning objectives, achievement of IEP goals, nationally normed or locally developed assessments aligned to state standards, research-based growth measures)? <input type="checkbox"/> Are the chosen assessments: <ul style="list-style-type: none"> <input type="checkbox"/> Rigorous? <input type="checkbox"/> Comparable across schools within the District? <input type="checkbox"/> (Optional) Is there allowance for exemption of student growth data for a particular student for a school year? 		
<p>Section 1248 Factors</p> <ul style="list-style-type: none"> <input type="checkbox"/> Does the portion of the teacher’s year-end evaluation that is <i>not</i> measured either by student growth/assessment data or by the adopted evaluation tool incorporate the criteria enumerated in RSC Section 1248 (1)(b)(i) to (iii) that are not otherwise evaluated as student growth or within the adopted evaluation instrument? 				

4403-F Performance Evaluation - Optional Checklist for Adopting Performance Evaluation System

	At-a-Glance	Requirements	System Documentation	Responsible Person(s)
14	Individual Performance	<p><input type="checkbox"/> Is student growth the “predominant factor” in the annual year-end evaluation?</p> <p><input type="checkbox"/> Per RSC Section 1249, is 40% of the annual year-end evaluation based on student growth and assessment data?</p> <p>Pedagogical Skills. Does the annual year-end evaluation include a special determination concerning:</p> <p><input type="checkbox"/> Teacher’s knowledge of his/her subject area? <i>and</i></p> <p><input type="checkbox"/> Teacher’s ability to impart knowledge through:</p> <p><input type="checkbox"/> Planning?</p> <p><input type="checkbox"/> Delivering rigorous content?</p> <p><input type="checkbox"/> Checking for/building higher-level understanding?</p> <p><input type="checkbox"/> Differentiating?</p> <p><input type="checkbox"/> Managing a classroom? <i>and</i></p> <p><input type="checkbox"/> Consistent preparation to maximize instructional time?</p> <p>Classroom Management. Does annual year-end evaluation consider teacher’s:</p> <p><input type="checkbox"/> Manner and efficacy of disciplining students?</p> <p><input type="checkbox"/> Rapport with parents?</p> <p><input type="checkbox"/> Rapport with other teachers? <i>and</i></p> <p><input type="checkbox"/> Ability to “withstand the strain of teaching”?</p> <p>Attendance and Discipline Record. Does annual year-end evaluation consider teacher’s:</p> <p><input type="checkbox"/> Attendance record? <i>and</i></p> <p>[Caution: Do <i>not</i> penalize for absences or leaves required or allowed by law, policy or contract (e.g., FMLA, ADA, military, “excused”); consider only attendance violations or failure/refusal to comply with absence/leave procedures (e.g., reporting requirements, lesson plans)]</p> <p><input type="checkbox"/> Discipline record?</p>		

4403-F Performance Evaluation - Optional Checklist for Adopting Performance Evaluation System

	At-a-Glance	Requirements	System Documentation	Responsible Person(s)
15	Significant, Relevant Accomplishments and Contributions	Does annual year-end evaluation consider whether teacher contributed to the school's overall performance by: <ul style="list-style-type: none"> <input type="checkbox"/> Making clear, significant, relevant contributions above the normal expectations for an individual in his/her peer group? <i>and</i> <input type="checkbox"/> Demonstrating a record of exceptional performance? 		
16	Relevant Special Training	Does annual year-end evaluation consider whether the teacher: <ul style="list-style-type: none"> <input type="checkbox"/> Completed relevant training, other than professional development or continuing education that is required by employer or by state law? <i>and</i> <input type="checkbox"/> Integrated that training into instruction in a "meaningful" way? 		

Series 4000: District Employment

4400 Professional Staff

4404 Performance Based Compensation for Teachers

The Superintendent or designee will implement a performance based compensation system for teachers pursuant to Revised School Code Section 1250 and State School Aid Act Section 164h. The system must include job performance and accomplishments as a significant factor and be based, at least in part, on student growth data as measured by assessments and other objective criteria for effective and highly effective professionals.

All collective bargaining agreements must include a method of compensation that complies with this Policy.

The Superintendent or designee may implement a performance based compensation system for Non-Teaching Professionals.

Legal authority: MCL 380.1250; MCL 388.1764h; MCL 423.215(3)(o)

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4400 Professional Staff

4405 *Reduction in Force and Recall*

When making program and staffing decisions, the Board will retain the most effective teachers who are certified and qualified to instruct courses within the applicable curriculum, academic levels, and departments. The Board has the exclusive right to determine the size of the teaching staff based on curricular, fiscal, and other operating conditions. To the extent that the determinations involve Revised School Code Section 1248 requirements, this Policy will guide the implementation of that statute.

1. General Provisions

- a. The Superintendent will be responsible, acting within the approved budget, for establishing the number and nature of teaching assignments to implement the approved curriculum. If the Superintendent determines that insufficient funds are budgeted for the existing teaching staff or that a reduction in teaching staff is necessary due to program or curricular considerations, the Superintendent will recommend to the Board the teaching positions to be reduced.
- b. If after a reduction of teachers, the Superintendent determines that the District's remaining programs and curriculum cannot be delivered through the existing teaching staff and that sufficient funds are budgeted to support an increase in the number of teachers, the Superintendent may recommend to the Board that teachers be added.
- c. Decisions about the reduction and recall of teachers will be guided by the following criteria:
 - i. Retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the curriculum, academic level(s), and department(s).
 - A) This Policy does not require the retention or recall of a probationary or tenured teacher whose most recent performance evaluation contains an overall rating of ineffective or minimally effective in preference to any probationary or tenured teacher rated either effective or highly effective, as reflected in that teacher's most recent performance evaluation.
 - B) A probationary teacher rated as effective or highly effective on the teacher's most recent annual year-end performance evaluation is not subject to being displaced by a tenured teacher solely because the other teacher is tenured under the Teachers' Tenure Act.

- ii. Teachers must be properly certified, approved, or authorized for all aspects of their assignments. The teacher's certification, authorization, or approval status will be:
 - A) Determined by applicable statutes and regulations, including the Revised School Code, Teacher Certification Code, and MDE's Rules for Special Education Programs and Services; and
 - B) Based on documentation on file with the Superintendent's office.
 - 1) A teacher must maintain current and valid certification, approval, or authorization, as applicable, and will be responsible for filing a copy of the teaching certificate, approval, or authorization with the Superintendent's office in compliance with Revised School Code Section 1532.
 - 2) If a teacher petitions for nullification of the teaching certificate or any endorsement, the teacher must promptly provide written notice of that petition to the Superintendent's office.
- iii. In addition, teachers must be fully qualified for all aspects of their assignments, as determined by the Board, based upon documentation on file with the Superintendent's office, including:
 - A) Compliance with applicable state or federal regulatory standards, including standards established as a condition to receipt of foundation, grant, or categorical funding;
 - B) Compliance with applicable accreditation requirements;
 - C) Professional training and academic preparation for an instructional assignment that is anticipated to contribute to the teacher's effectiveness in that assignment;
 - D) Formal or specialized training in the subject area(s) or grade level(s); and
 - E) Prior teaching experience relevant to the instructional assignment and anticipated to contribute to the teacher's effectiveness, including:
 - 1) Experience in a relevant building or department or at a relevant academic/grade level;
 - 2) Experience teaching relevant instructional subjects;
 - 3) Recency of relevant and comparable teaching assignments;
 - 4) Previous effectiveness ratings;
 - 5) Disciplinary record, if any

- 6) Attendance; and
 - 7) Other relevant factors as determined by the District.
- iv. Teachers must provide the District with current information and documentation supporting the teacher's certification and qualifications.
 - A) Reduction and recall decisions will be based on the teacher's certification and qualifications in the District's records at the time of the decision.
 - B) A laid off teacher must maintain current contact information (address, phone, and email address) with the Superintendent's office.
 - C) Failure to maintain current contact information may negatively impact the teacher's recall.
 - v. Teacher reductions and recalls are by formal Board action.
 - vi. Before the Board authorizes a teacher reduction, the Superintendent or designee will notify, in writing, the affected teacher of an opportunity to respond, either in person or in writing, to the proposed reduction.
 - vii. The Superintendent or designee will provide written notice of Board reduction in force or recall decisions to each affected teacher.
 - viii. A teacher's length of service with the District or tenure under the Teachers' Tenure Act will not be the primary or determining factor in reduction in force and recall decisions.
- d. Teacher reduction in force decisions will be implemented by the following:
 - i. If 1 or more teaching positions are to be reduced, the Superintendent will first identify the academic level(s) or department(s) affected by the reduction. Among those teachers who are certified, approved, or authorized and qualified to instruct the remaining curriculum within the affected academic level(s) or department(s), selection of a teacher(s) for reduction in force will be based on the year-end effectiveness score identified in Policy 4403.
 - ii. Teachers within the affected academic level(s) or department(s) who are certified and qualified for the remaining positions and who received the highest year-end effectiveness score will be retained. Teachers within the affected academic level(s) or department(s) with the lowest year-end effectiveness score will be laid off.
 - iii. When a teaching position is identified for reduction and there exists a concurrently vacant teaching position for which the teacher in the position to be reduced is both certified and qualified, and the teacher has received an overall rating of at least effective on that teacher's most

recent year-end performance evaluation, that teacher may be assigned to the vacant position unless the Superintendent determines that the District's educational interests would not be furthered by that assignment.

- iv. If more than 1 teacher whose position has been identified for reduction is certified and qualified for a concurrently vacant teaching assignment, the teacher with the highest year-end effectiveness score, if at least effective, will be given priority for the assignment unless the Superintendent determines that the District's educational interests would not be furthered by that assignment.
- v. [Choose Option 1 or 2:]

[Option 1: If the reduction or recall decision involves more than 1 teacher and multiple teachers have the same year-end effectiveness score used to determine each teacher's effectiveness rating, a tenured teacher has priority over a probationary teacher and among tenured teachers. Teacher seniority (as established by the most recent seniority list for the bargaining unit to which the tenured teachers belong or, if none exists, the District's records) will determine preference for reduction or recall.]

[Option 2: If the reduction or recall decision involves more than 1 teacher and multiple teachers have the same year-end effectiveness score, the Board may approve and implement a tiebreaker mechanism using a discrete part(s) of the evaluation system. For example, if the reduction or recall decision involves more than one teacher and multiple teachers have the same year-end effectiveness score used to determine each teacher's effectiveness rating, the teacher with the higher year-end effectiveness score reflected in the [insert Board preference] portion of the evaluation will have preference for reduction or recall, as applicable. If this year-end effectiveness score is also tied, seniority (as established by the most recent seniority list for the bargaining unit to which the tenured teachers belong or, if none exists, the District's records) will determine preference for reduction or recall.]

[Optional: At least 30 calendar days' notice of reduction in force will be provided, absent extenuating circumstances.]

2. Teacher Recall Process

- a. A teacher is eligible for recall under this Policy for 12 months from the date the District implemented the reduction in force.
- b. The Superintendent will first identify the academic level(s) or department(s) where a teaching vacancy exists.

- c. Before or in lieu of initiating the recall of a laid-off teacher, the Superintendent may reassign teachers to fill vacancies in accordance with Policy 4402.
 - d. After or in lieu of any reassignment of existing teaching staff, the Superintendent may take either of the following actions to fill a vacancy:
 - i. Recall the laid-off teacher with the highest overall effectiveness score on the teacher's most recent year-end evaluation under the performance evaluation system adopted by the Board and who is certified and qualified for the vacancy, provided the teacher was rated at least effective.
 - ii. Post the vacancy and consider all applicants if the Superintendent determines that:
 - A) the District's educational interests would not be furthered by recalling an otherwise eligible laid-off teacher who meets the certification and qualification standards for the position and who received the highest overall effectiveness score on that teacher's most recent year-end evaluation; or
 - B) no teacher on layoff meets the certification and qualification requirements for the position as otherwise stated herein.
 - e. The Superintendent or designee will provide written notice of the Board's recall decision to any recalled teachers and will establish the time within which a teacher must accept recall to preserve the teacher's employment rights.
 - f. A laid-off teacher who is offered an interview for a vacancy and who fails to appear at that interview forfeits all rights to recall and continued employment.
 - g. A laid-off teacher who is recalled and fails to accept recall by the time designated in the recall notice, or who does not report for work by the deadline specified in the recall notice after filing a written acceptance of recall with the Superintendent, will forfeit all rights to recall and continued employment unless the Superintendent, in the Superintendent's sole discretion, has extended the time limit in writing.
- B. Reduction in Force and Recall of Non-Teaching Professionals

For Non-Teaching Professionals governed by a collective bargaining agreement, the Superintendent will implement the collective bargaining agreement's standards and procedures that pertain to reduction in force or recall when recommending a reduction in force or recall to the Board.

If no collective bargaining agreement exists, or if an existing agreement does not address reduction in force or recall of Non-Teaching Professionals, the Superintendent will recommend a reduction in force or recall among Non-Teaching Professionals using the same standards and procedures as set forth in this Policy for teachers.

C. Unemployment Compensation

A teacher or Non-Teaching Professional who is laid off and who is paid unemployment compensation chargeable to the District during the summer immediately following a reduction in force and who is recalled on or before the beginning of the next school year will be paid according to an annual adjusted salary rate such that the employee's unemployment compensation received plus the adjusted annual salary rate will be equal to the annual rate of salary the employee would have earned for the school year had the employee not been laid off.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a, 380.1248, 380.1249, 380.1532; MCL 423.215

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4400 Professional Staff

4406 Professional Improvement Sabbaticals

The Board may, in its sole discretion and consistent with Revised School Code Section 1235 and any applicable collective bargaining agreement, approve a Professional Staff member's paid or unpaid leave of absence for the purposes of pursuing professional improvement (i.e., a sabbatical) or any other similar circumstance. A Professional Staff member seeking a leave of absence must apply in writing to the Superintendent or designee for presentation to the Board at least 60 days in advance. The leave of absence will be consistent with any applicable collective bargaining agreement or individual employment contract. If necessary, the Board will negotiate a letter of agreement with the appropriate bargaining unit to approve a Professional Staff Member's paid or unpaid leave of absence for the purposes of pursuing professional improvement or any other similar circumstance.

Legal authority: MCL 380.1235

Legal authority: MCL 380.1235

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4400 Professional Staff

4407 Discipline

Maintaining appropriate procedures and standards for addressing misconduct and other inappropriate behavior by Professional Staff is a critical component in furthering an effective educational environment and in providing quality educational services to students. Off-duty conduct may result in discipline if it adversely impacts the District and is not a legally protected activity. Information about substantiated unprofessional conduct will not be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b.

Tenured teacher discipline or demotion will occur only for a reason(s) that is not arbitrary or capricious. Likewise, the disciplining of other professionals will be governed by the arbitrary or capricious standard unless expressly stated otherwise in a collective bargaining agreement, employee handbook, or individual employment contract. Under the arbitrary or capricious standard, a disciplinary decision must be supported by a preponderance of the evidence and the discipline must have a rational relationship to the established misconduct or inappropriate behavior.

Before imposing discipline, the Superintendent or designee will investigate whether a Professional Staff member engaged in conduct that may justify discipline. The investigation should include discussions with witnesses determined by the Superintendent or designee to have relevant information and a review of tangible evidence (e.g., documents, video, electronic communications). The Professional Staff member will be provided an opportunity to respond to the allegation(s).

If a Non-Teaching Professional is governed by a collective bargaining agreement or individual employment contract, the Superintendent or designee will adhere to the disciplinary standards and procedures in that agreement. If the collective bargaining agreement or individual employment contract does not have an applicable provision, then the standards and procedures outlined below will apply.

The following procedures may be used for investigating allegations of Professional Staff misconduct or inappropriate conduct:

- A. The Superintendent or designee may consult with legal counsel in appropriate cases and may request that legal counsel assist with an investigation.
- B. The Superintendent or designee will give the Professional Staff member verbal or written notice of the allegation(s).
- C. If the complaint alleges suspected child abuse or neglect, the matter must be immediately reported to Children's Protective Services.

- D. The Superintendent or designee will give verbal or written notice of the time, date, and location of a meeting to provide the Professional Staff member with an opportunity to respond to the allegation(s) and substantiating factor(s).
- E. An employee who is subject to an investigatory interview that may result in discipline or who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy 4108.
- F. The Superintendent or designee is authorized to place a Professional Staff member on paid non-disciplinary administrative leave pending the completion of an investigation when, in the judgment of the Superintendent or designee, placing the Professional Staff member on leave will protect the investigatory process or work environment.
- G. If an investigation concludes that a preponderance of the evidence (i.e., more likely than not) establishes that the Professional Staff member engaged in conduct warranting discipline, the appropriate level of discipline will be guided by the following:
 - 1. the seriousness of the offense;
 - 2. the Professional Staff member's prior disciplinary and employment record;
 - 3. whether other Professional Staff members have engaged in similar or like past conduct known to the District's administration and the discipline imposed for those infractions;
 - 4. the existence of aggravating or mitigating factors, as determined by the Superintendent or designee;
 - 5. applicable federal or state law;
 - 6. the Professional Staff member's acceptance of responsibility;
 - 7. the likelihood of recurrence; and
 - 8. any other factors the Superintendent or designee determine are relevant.
- H. Disciplinary measures may include verbal warning (memorialized in writing), written reprimand, unpaid suspension, financial penalty, or discharge. Nothing in this Policy requires that the above disciplinary measures be applied progressively or sequentially. The District reserves the right to apply a disciplinary measure it determines to be appropriate to a specific set of circumstances. The District may consider additional preventative measures to address the misconduct, including training, coaching, and other remedial measures.
- I. Discipline will be confirmed in writing to the Professional Staff member and placed in that person's personnel file. The discipline imposed may also be reflected in the person's year-end performance evaluation where it pertains to areas measured in the evaluation.

J. The Superintendent or designee is authorized to impose discipline with the exception of:

1. the discharge of a Professional Staff member; and
2. the demotion of a tenured teacher, as defined in the Teachers' Tenure Act.

The Board's action may be based upon the Superintendent's or designee's written recommendation and applicable procedures set forth in the Teachers' Tenure Act.

K. A tenured teacher's salary may be escrowed after tenure charges are approved by the Board pursuant to Policy 4208.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a; MCL 423.215; *NLRB v J Weingarten, Inc*, 420 US 251 (1975)

Date adopted: November 8, 2021

Dated revised: December 12, 2022

Series 4000: District Employment

4400 Professional Staff

4408 Termination

A. Probationary Teachers

For purposes of this Policy, the “termination” of a probationary teacher occurs when the probationary teacher is discharged during the term of an existing individual employment contract between the probationary teacher and the Board. Discontinuation of a probationary teacher’s employment at the expiration of an individual employment contract is not termination for purposes of this Policy and is addressed separately in Policy 4409.

The Board may terminate a probationary teacher for misconduct, inappropriate behavior, performance that is not effective, or for any other lawful reason at any time.

The Superintendent or designee may recommend the termination of a probationary teacher to the Board. The recommendation will include the reason(s) for the proposed termination.

Probationary teachers recommended for termination by the Superintendent or designee will be provided advance notice of the allegations; an opportunity for a hearing in closed or open session before the Board; and the time, date, and location of the Board hearing.

B. Tenured Teachers

The Superintendent or designee may recommend the termination of a tenured teacher by filing tenure charges with the Board. The Board will consider whether to proceed on the tenure charges or modify the charges. A tenured teacher may be terminated for a reason that is not arbitrary or capricious.

The tenured teacher may challenge the Board’s decision to discharge or demote the teacher by timely filing an appeal with the State Tenure Commission.

C. Non-Teaching Professionals

Unless otherwise provided by a collective bargaining agreement or individual employment contract, a Non-Teaching Professional may be terminated by the Board for any reason that is not arbitrary or capricious, subject to due process.

The Superintendent or designee may recommend the termination of a Non-Teaching Professional to the Board. The recommendation will include the reason(s) for the proposed termination.

Non-Teaching Professionals recommended for termination by the Superintendent or designee will be provided advance written notice of the allegations; an

opportunity for a hearing in closed or open session before the Board; and the time, date, and location of the Board hearing.

Legal authority: MCL 38.83(2), 38.101, 38.121

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4400 Professional Staff

4409 *Non-Renewal*

For purposes of this Policy, “non-renewal” of a probationary teacher refers to the discontinuation of the employment relationship between the Board and a probationary teacher at the expiration of the probationary year following the process set forth in the Teachers’ Tenure Act.

Teachers must serve a probationary period as required by the Teachers’ Tenure Act. A probationary teacher’s contract may be non-renewed for performance-based reasons or any other lawful reason.

A. Probationary Period

1. A probationary teacher rated minimally effective or ineffective may be subject to non-renewal consistent with the Teachers’ Tenure Act. To attain tenure, a probationary teacher who is serving a 5-year probationary period must be rated effective or highly effective on the teacher’s 3 most recent year-end annual performance evaluations. Under limited circumstances, a teacher’s probationary period may be extended.
2. A probationary teacher may obtain tenure in less than 5 years if the teacher has taught at the District for 4 years and received a highly effective evaluation rating for 3 consecutive years.
3. For a teacher who previously held tenure in another Michigan public school district, the teacher is subject to a 2-year probationary period, unless the Board acts to reduce the teacher’s probationary period.
4. Reserved

B. Non-renewal

1. Probationary teacher non-renewal is subject to the non-renewal procedures specified in the Teachers’ Tenure Act. This Policy shall be implemented consistent with that statute.
2. Before non-renewing a probationary teacher, the probationary teacher must receive written notice of the Superintendent’s or designee’s recommendation for non-renewal and the time, date, and place of the Board meeting when the Board will consider the recommendation. The recommendation for non-renewal will state the reason(s) for the recommendation of non-renewal and may include supporting documentation.
3. The probationary teacher must receive written notice of Board action to non-renew the teacher’s contract at least 15 calendar days before the end of the school year (June 30) except as provided in subsection 4 below. If the teacher

is hired after the beginning of the school year, notice of non-renewal must be received at least 15 calendar days before the teacher's anniversary date of hire.

4. For a teacher who previously held tenure in another Michigan public school district, the teacher must receive written notice of non-renewal at least 60 calendar days before the completion of the probationary period.
- C. The probationary teacher will be provided an opportunity to address the Board in open or closed session and respond to the Superintendent's or designee's recommendation to non-renew.
 - D. The Board must take action in open session on the recommendation to non-renew the probationary teacher.
 - E. The probationary teacher must be served with written notice of the Board's action non-renewing the teacher's employment and a copy of the Board action within the timeframe required by the Teachers' Tenure Act. The non-renewal notice will specify that a probationary teacher has the right to appeal the timeliness or legal effect of a notice of non-renewal. The appeal must be filed with the State Tenure Commission within 20 calendar days after the probationary teacher's receipt of the notice of non-renewal. A copy of the Teachers' Tenure Act should also be included with the notice.

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

Date adopted: November 8, 2021

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Series 4000: District Employment

4500 Administrators/Supervisors

4501 Definition

An Administrator, Supervisor, or Director performs duties meeting the administrative or executive exemptions under the Fair Labor Standard Act. Administrators, Supervisors, and Directors report to the Superintendent or designee.

A. Administrators

Administrators manage, supervise, and oversee District curriculum, instructional programs, and instructional services. As a condition of continued employment, Administrators must hold and maintain certificates, licenses, credentials, and qualifications (collectively, the "Certification") as set by the Board or required by law, including Revised School Code Sections 1246 and 1536.

1. "Administrator" includes the building principal, assistant principal, assistant superintendent, and any other person whose primary responsibility is administering instructional programs, as well as the position of "chief business official" as defined in Revised School Code Section 1246.
2. If an Administrator's Certification expires, is nullified, or is revoked, the Administrator must immediately notify the Superintendent or designee, in writing.
3. Administrators will be subject to individual employment contracts not to exceed 3 years and may be governed by a collective bargaining agreement.
4. Administrators are subject to Revised School Code Section 1229(2) for purposes of non-renewal.

B. Non-Instructional Supervisors or Directors

Non-Instructional Supervisors or Directors include managerial personnel who are not Administrators within the definition of this Policy and who have the authority to direct, recommend, hire, discipline, and discharge personnel they supervise, including transportation, custodial, maintenance, or food service personnel. Non-Instructional Supervisors or Directors may be provided individual employment contracts not to exceed 3 years and may also be governed by a collective bargaining agreement.

Legal authority: MCL 380.1229, 380.1246, 380.1536

Date adopted: November 8, 2021

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Series 4000: District Employment

4500 Administrators/Supervisors

4502 Assignment and Transfer

Consistent with an applicable collective bargaining agreement or individual employment contract, the Superintendent or designee is authorized to assign or transfer an Administrator, Supervisor, or Director to another Administrator, Supervisor, or Director position and realign duties and responsibilities. The compensation will be commensurate with duties and responsibilities established by the Board.

Legal authority: MCL 380.11a(3), 380.601a, 380.653

Date adopted: November 8, 2021

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Series 4000: District Employment

4500 Administrators/Supervisors

4503 Performance Evaluation

Performance evaluations of Administrators are an essential element of providing quality educational services and measuring an employee's competency. This Policy does not alter the Board's authority or ability to terminate an Administrator's employment during the term of an individual employment contract or to non-renew an Administrator's contract at the end of the contract's term.

A. Building Level and Central Office Instructional Administrators

The Superintendent or designee will ensure that building level and central office Administrators who are regularly involved in instructional matters are evaluated consistent with a performance evaluation system under Revised School Code Sections 1249 and 1249b. This performance evaluation system will include, if appropriate, the following:

1. a year-end annual evaluation by the Superintendent or designee, unless the Administrator qualifies for a biennial evaluation. This does not preclude more frequent Administrator evaluations as determined necessary by the Superintendent or designee;
2. an individualized improvement plan if the Administrator is rated minimally effective or ineffective or where performance deficiencies are noted;
3. student growth and other assessment required or authorized by law;
4. an overall effectiveness rating of highly effective, effective, minimally effective, or ineffective;
5. dismissal of an Administrator rated ineffective on 3 consecutive year-end evaluations;
6. an evaluation tool approved by the MDE, a modified tool (if posting requirements are met), or a local evaluation tool adopted in compliance with Revised School Code Sections 1249 and 1249b;
7. website posting of required information pertaining to the evaluation tool;
8. appropriate training for evaluators; and
9. other components that the Superintendent or designee deems relevant, important, or in the District's best interest.

B. Non-Instructional Administrators, Supervisors, and Directors

The Superintendent or designee may evaluate Non-Instructional Administrators, Supervisors, and Directors based on the appropriate evaluation instrument as

determined by the Board and consistent with any applicable collective bargaining agreement or individual employment contract. An individual improvement plan may be implemented to remediate and enhance employee performance.

Legal authority: MCL 380.11a, 380.601a, 380.1249, 380.1249b

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4500 Administrators/Supervisors

4504 Performance Based Compensation

The Superintendent or designee will implement a performance based compensation system for building level and central office Administrators regularly involved in instructional matters pursuant to Revised School Code Section 1250 and State School Aid Act Section 164h. The system must include job performance and accomplishments as a significant factor in determining compensation and additional compensation and be based, at least in part, on student growth data as measured by assessments and other objective criteria for effective and highly effective professionals.

The Superintendent may recommend merit pay to the Board for non-instructional Administrators, Supervisors, and Directors.

Collective bargaining agreements and individual employment contracts covering administrative personnel regularly involved in instructional matters must include a method of compensation that complies with this Policy.

Legal authority: MCL 380.1249, 380.1249b, 380.1250; MCL 388.1764h

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4500 Administrators/Supervisors

4505 Reduction and Recall

The Board will determine the appropriate level and number of Administrators, Supervisors, and Directors necessary for curricular, fiscal, and other operating conditions.

The Board may determine that a reduction of administrative and supervisory personnel is warranted based on the Superintendent's or designee's recommendation.

The Superintendent or designee will first identify the recommended areas where reductions in the District's administrative and supervisory structure can best be accomplished consistent with the realization of District goals and objectives.

The Superintendent or designee will consider the following in making recommendations for the reduction and recall of Administrators, Supervisors, or Directors within the approved administrative structure: relevant experience, performance, disciplinary history, evaluations, qualifications, certification, relevant contract language, and other factors deemed relevant.

In implementing a reduction or recall, the Superintendent or designee may effectuate assignments and transfers as specified in Policy 4502.

The Board will consider and act on the Superintendent's or designee's recommendation(s) in open session.

If an Administrator selected for layoff has successfully completed a probationary period under the Teachers' Tenure Act, acquired tenure as a classroom teacher with the District, and maintained a valid teaching certificate on file with the District, the Administrator will be considered for placement to a teaching position for which the Administrator is properly certified and qualified consistent with the Teachers' Tenure Act and Policies 4402 and 4405.

An Administrator, Supervisor, or Director on layoff status may be eligible for recall to a vacant Administrator, Supervisor, or Director position for which that person is certified and qualified for a period of 12 months after the reduction in force was approved by the Board. An Administrator, Supervisor, or Director rated effective or highly effective will receive priority for recall to a vacant Administrator, Supervisor, or Director position for which that person is otherwise qualified over an Administrator, Supervisor, or Director rated minimally effective or ineffective.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a, 380.1249, 380.1249b, 380.1532

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Series 4000: District Employment

4500 Administrators/Supervisors

4506 Discipline

The Superintendent or designee may discipline Administrators, Supervisors, or Directors for misconduct, violations of contract, Policy, or law, or other inappropriate behavior. Off-duty conduct may result in discipline if it adversely impacts the District and is not otherwise a legally protected activity. This Policy does not cover termination of an Administrator, Supervisor, or Director, which is addressed in Policy 4507.

Before discipline is imposed, the Administrator, Supervisor, or Director will be provided an opportunity to respond to the allegation(s).

An Administrator, Supervisor, or Director governed by a collective bargaining agreement or individual employment contract may be disciplined consistent with applicable procedures and standards in that agreement. An employee who is subject to an investigatory interview that may result in discipline or who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy 4108.

If the Superintendent or designee concludes, by a preponderance of the evidence, that the conduct in question has been substantiated and that discipline is warranted, the Superintendent or designee may discipline the employee so long as the basis for the discipline follows the standard(s) identified in the employee's applicable collective bargaining agreement or individual employment contract. If the employee is not subject to a collective bargaining agreement or individual employment contract, the Superintendent or designee may implement discipline for any lawful reason. The disciplinary action may be considered in the employee's performance evaluation. Written discipline will be placed in the employee's personnel file.

A suspension without pay may be imposed as a disciplinary consequence, consistent with the Fair Labor Standards Act, for infractions of safety rules of major significance or infractions of workplace conduct rules, such as rules prohibiting unlawful harassment, workplace violence, drug or alcohol use, or for infractions of state or federal laws. Disciplinary deductions may only be made in full-day increments and must be imposed pursuant to a written Policy applicable to all employees.

Evidence of substantiated unprofessional conduct cannot be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b.

The Teachers' Tenure Act shall apply if an Administrator's tenure rights are implicated by the disciplinary action.

Legal authority: 29 CFR 541.602(b)(5); MCL 380.11a, 380.601a, 380.653, 380.1230b, 380.1249, 380.1249b; MCL 423.209

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Series 4000: District Employment

4500 Administrators/Supervisors

4507 Termination

For purposes of this Policy, “termination” refers to a proposed action to discharge or permanently discontinue the employment of an Administrator, Supervisor, or Director during the term of an individual employment contract. Non-renewal at contract expiration is not a termination under this Policy and is addressed in Policy 4508.

Unless otherwise provided by an applicable collective bargaining agreement or individual employment contract, an Administrator, Supervisor, or Director may be terminated for any lawful reason. Off-duty conduct may result in termination if it adversely impacts the District and is not a legally protected activity.

The Superintendent or designee will provide written charges in support of the recommendation for discharge and notice of the Board hearing date, time, and location, to the Administrator, Supervisor, or Director in advance of a Board meeting on the charges. The employee may request a hearing in closed session, but the Board’s decision on the termination recommendation must be made in open session. If the employee requests a hearing, the employee has the right to bring legal counsel or another representative of the employee’s choice (at the employee’s expense) to hear and contest the evidence supporting the termination recommendation and to submit evidence in support of the employee’s retention.

The Board resolution or written correspondence identifying the reason(s) for the Board’s decision on termination will be placed in the employee’s personnel file.

If the employee holds tenure rights as a classroom teacher and the District seeks to terminate those tenure rights, the District will comply with the Teachers’ Tenure Act.

Legal authority: MCL 38.71 et seq.; MCL 380.1229(2), 380.1229(3)

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4500 Administrators/Supervisors

4508 Administrator Non-Renewal

A. Administrators Subject to Revised School Code Section 1229(2)

Administrator contract non-renewal may be subject to Revised School Code Section 1229(2) depending on the person's responsibilities, duties, and certification. If the non-renewal of an Administrator is subject to Revised School Code Section 1229(2), this Policy shall be implemented consistent with that statute.

"Non-renewal" is an action to discontinue an employment contract at contract expiration. Termination during the term of an existing employment contract is addressed in Policy 4507.

If Revised School Code Section 1229(2) applies, the non-renewal of an Administrator's individual employment contract must be preceded by a notice to the employee that the Board is considering non-renewal. Written notice of consideration of non-renewal must be given to the Administrator at least 90 calendar days before the expiration date of the Administrator's contract. The Administrator will be provided notice of the Board meeting at which the consideration of non-renewal will be reviewed and may request an open or closed session, where appropriate. The Board must act in open session on the recommendation to consider non-renewal.

The Superintendent or designee will notify the Administrator of the Board's decision to consider non-renewal, including a written statement of the reason(s). The employee may request to meet with a majority of the Board to discuss the reason(s) in open or closed session, where appropriate. The meeting with the majority of the Board to discuss the reason(s) it is considering non-renewal must take place following notice to the administrator of the consideration of non-renewal and before any action of non-renewal.

There must be a minimum of 30 calendar days between the time that the administrator is provided written notice that the Board is considering non-renewal, including a statement of the reason(s) for consideration of non-renewal, and the Board's action to renew or non-renew the administrator's individual employment contract. The resolution and notice of non-renewal must be provided to the administrator not less than 60 calendar days before the expiration date of the administrator's individual employment contract.

If the non-renewal is based on a reduction in personnel and not for a performance reason, the Board's review and action must take place in open session.

If the employee holds tenure rights as a classroom teacher and the District seeks to terminate those tenure rights, the District will comply with the Teachers' Tenure Act.

B. Non-Renewal of a Supervisor or Director

A Supervisor's or Director's contract may be non-renewed in accordance with the applicable individual employment contract or collective bargaining agreement. Absent any contractual guidance, recommendation of non-renewal will be presented to the Board at least 30 calendar days before the contract expiration, stating the reason(s) for the recommendation. Advance written notice of the recommendation, the time, date, and location of the Board meeting, and option for closed session deliberation will be provided to the Supervisor or Director.

Legal authority: MCL 380.1229

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4500 Administrators/Supervisors

4508-AG Administrator Non-Renewal

Non-renewal of an Administrator's or Supervisor's contract is a complex process that requires advance preparation and notice. The Superintendent or designee should consult legal counsel to assist when non-renewing any Administrator's or Supervisor's contract.

A. Administrators Subject to Revised School Code Section 1229(2)

Unless the Administrator's employment contract or applicable collective bargaining agreement provides a different process, the statutory process to renew an Administrator's contract is as follows:

1. Statutorily mandated written notice from the Superintendent or designee of the reasons for Board consideration of non-renewal shall be provided to the Administrator with the date, time, and location of the Board meeting;
2. Board review of the recommendation for consideration of non-renewal may be in closed session at the Administrator's request, provided that the reasons for non-renewal are not due to finances or reorganization;
3. Statutorily mandated written notice of the Board's action to consider non-renewal must be provided to the Administrator, including an opportunity to meet with not less than a majority of the Board to discuss the reasons for non-renewal. When appropriate, the Administrator may request a closed session. The Superintendent or designee will provide the Administrator with the statutorily mandated written notice of this meeting;
4. The Administrator will be timely notified of the date, time, and location of the Board meeting for review of the non-renewal recommendation;
5. Board actions will be in open session;
6. Statutorily mandated notification of the Board's action will be provided to the Administrator; and
7. Tenure rights as a classroom teacher may continue to apply.

B. Non-Renewal of a Supervisor or Director

Unless the Supervisor's or Director's employment contract or applicable collective bargaining agreement provides a different process, non-renewal of a Supervisor's or Director's contract will include the following:

1. Timely written notice to the Supervisor or Director that the Superintendent or designee will recommend that the Board non-renew the Supervisor's or Director's employment contract. The notice will include the date, time, and

location of the Board meeting. The Supervisor or Director may request that the Board meet in closed session to consider the contract non-renewal, provided that the reasons for non-renewal are not due to finances or reorganization;

2. At the Board meeting, the Supervisor or Director will have an opportunity to respond to the contract non-renewal recommendation before the Board;
3. Board actions will be in open session; and
4. Timely written notice to the Supervisor or Director of the Board's determination on the contract non-renewal recommendation shall be provided to the Supervisor or Director.

Adoption date:

Revised date:

Series 4000: District Employment

4600 The Superintendent

4601 General

- A. Employment
- B. Employment

Except in limited circumstances as otherwise allowed by law, the Board will employ a Superintendent as the District's chief administrative officer who will report to the Board. The Superintendent's individual employment contract will not exceed 5 years. The Superintendent will maintain appropriate certification, as well as comply with continuing education requirements, as a condition of continued employment. The Superintendent must immediately notify the Board if his or her certification expires or is nullified or revoked.

- C. Duties and Responsibilities

The Superintendent will regularly advise the Board on significant legal, educational, financial, and other school-related developments affecting the District and the Board and will demonstrate exemplary leadership and knowledge of contemporary educational philosophy and effective practices.

The Superintendent will ensure compliance with requirements imposed by federal and state law, Policy, and governmental authorities with jurisdiction over Michigan schools. The Board delegates to the Superintendent the general power and authority to do the following, within Board-approved Policy and budgetary parameters:

1. direct curriculum and take actions to maximize student safety, welfare, and educational opportunities;
2. ensure compliance with student disciplinary standards and procedures;
3. accept all employee resignations on the Board's behalf;
4. make other employment decisions consistent with these Policies, specifically including the right to hire, recall, transfer, assign, direct, discipline, and recommend or impose termination, as applicable;
5. develop and implement recruitment, application, and selection procedures to fill vacancies for Non-Exempt Staff, Teaching Professionals, Non-Teaching Professionals, Administrators, Supervisors, and Directors and to make hiring recommendations to the Board for approval, if applicable;
6. manage District grounds, buildings, property, and equipment and make determinations about their use, maintenance, improvements, purchases, and repairs in accordance with law;

7. temporarily close one or more of the District's schools or programs or alter the school day when the Superintendent determines that the action is necessary for the health and safety of students and staff;
8. maintain adequate supplies and materials for students and staff;
9. consult with outside advisors, attorneys, auditors, and others in the best interests of the District;
10. negotiate collective bargaining agreements and other contracts, subject to Board review and ratification;
11. serve as the Board's spokesperson and community liaison;
12. develop, recommend, and implement cooperative programs and services with other public and private entities that will promote attainment of District goals and objectives;
13. implement Board policies and supervise the District's day-to-day operations;
14. take action in circumstances not authorized by Board action or Policy when required to effectively run the District's day-to-day operations, to respond to a lawful order, or to implement rules to protect health and safety. The Superintendent should (1) inform the Board of the action taken and the need for expedited action; and (2) report the action to the Board during the first meeting following the action;
15. draft administrative guidelines and forms which are consistent with these Policies or the law to effectively run the District's operations; and
16. take action as permitted or required by law or as authorized by Board action or Policy.

D. Fiscal Management

The Superintendent, in consultation with other District personnel, will prepare and present to the Board a proposed annual District budget for the upcoming fiscal year. Budget adoption and amendments will be subject to Board approval. The Superintendent will furnish the Board with all information requested by the Board for proper consideration of the proposed budget. After the proposed budget is adopted by the Board at a public hearing held in compliance with the Budget Hearings of Local Government Act, the Superintendent, in consultation with the individual acting in the capacity of the District's business official, will oversee and control budget expenditures to ensure compliance with the budget adopted by the Board.

Legal authority: MCL 141.411 et seq.; MCL 380.11a, 380.601a, 380.653, 380.654, 380.1229(1), 380.1229(4), 380.1246, 380.1536

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 4000: District Employment

4600 The Superintendent

4602 *Hiring*

The Board will determine and select the best candidate to serve as the Superintendent, based on qualifications, experience, and demonstrated capabilities. The Board may enlist professional consultants, employees, community members, or others to assist with the recruitment and selection process.

Qualified candidates will possess and maintain certifications, permits, and approvals required by federal and state law for the office of Superintendent. The hiring process will comply with the Michigan Open Meetings Act.

Before hiring the selected candidate, an offer of employment will be conditioned on successful completion of a background check as described in Policy 4205.

The Board should consult with legal counsel when drafting the Superintendent's employment contract.

The Superintendent's employment contract shall not exceed five years in duration. If a Superintendent vacates the position before a new Superintendent is selected, the Board shall appoint an interim Superintendent to oversee operations until a new Superintendent is selected. Hiring decisions shall be based on qualifications, skills, knowledge, abilities, education, certifications/licenses, experience, demeanor, and other criteria the Board may deem relevant.

Legal authority: MCL 15.261 et seq.; MCL 380.1229(1), 380.1536

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Series 4000: District Employment

4600 The Superintendent

4603 Performance Evaluation

Performance evaluations for the Superintendent are an essential element of providing quality educational services and measuring job performance and effectiveness. This Policy does not diminish the Board's authority or ability to either terminate the Superintendent's employment during the term of the Superintendent's employment contract or to non-renew the Superintendent's contract at its expiration.

The Board will ensure that the Superintendent is evaluated based on a performance evaluation system described in Revised School Code Sections 1249 and 1249b and the individual employment contract. The evaluation may include, where appropriate or required by law, the following components:

- A. a year-end annual evaluation by the Board, unless the Superintendent qualifies for a biennial evaluation, provided that this does not limit the Board's right to conduct more frequent evaluations where deemed appropriate by the Board;
- B. an improvement plan if the Superintendent is evaluated as minimally effective or ineffective, or at the Board's discretion;
- C. student growth and other considerations as required by law;
- D. an overall effectiveness rating of highly effective, effective, minimally effective, or ineffective;
- E. dismissal of a Superintendent rated ineffective on 3 consecutive year-end evaluations;
- F. a tool approved by the MDE, a modified tool (if posting requirements are met), or a local evaluation tool adopted in compliance with Revised School Code Sections 1249 and 1249b;
- G. website posting of required information pertaining to the evaluation tool;
- H. providing appropriate training for Board members; and
- I. other components that the Board deems relevant, important, or in the District's best interests.

The Board, in its discretion, may provide periodic scheduled feedback about the Superintendent's performance.

Legal authority: MCL 380.11a, 380.601a, 380.1249, 380.1249b

Date adopted: November 8, 2021

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Series 4000: District Employment

4600 The Superintendent

4604 Absence/Incapacity

If the Superintendent is physically or mentally incapacitated or if there is reason to believe that the Superintendent is unable to perform the duties of the position, pursuant to the Superintendent's individual employment contract and in accordance with federal and state law, the District may require the Superintendent to provide medical information or undergo a physical examination or psychological assessment to determine the Superintendent's ability to perform the duties of the position.

The Superintendent is a key employee as defined under the Family Medical Leave Act (FMLA), whose FMLA leave is limited to 12 weeks (60 work days). See Policy 4106.

If the Superintendent is incapacitated and has not requested leave or if there is reason to believe that the Superintendent cannot perform the duties of the position, the President, after consulting with legal counsel, may place the Superintendent on paid administrative leave pending review by the entire Board. The Superintendent's placement on paid administrative leave will be temporary while the Board determines appropriate action.

The President, subject to review and approval by the entire Board, may appoint a certified and qualified person as the acting Superintendent until the Superintendent can return or a successor is hired.

To promote accountability, where the Superintendent takes leave authorized by the Superintendent employment contract or District Policy, the Superintendent will notify the President and will maintain contemporaneous absence records.

Legal authority: 42 USC 12112; 29 CFR 825.312; MCL 380.1229

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4600 The Superintendent

4605 *Gifts and Donations*

A. Accepting Gifts or Donations on Behalf of the District

The Superintendent or designee is authorized to accept donations on behalf of the Board in accordance with Policy 3303. Donations may not be accepted by a particular school or department without express permission from the Board or Superintendent or designee.

B. Accepting Personal Gifts

The Superintendent shall not solicit or accept anything of value for the Superintendent's direct or indirect personal benefit that may influence or reasonably be perceived to influence decision making or otherwise create an actual or perceived conflict of interest.

C. Gift Giving with Public Funds

Public funds may be used to purchase a plaque, medal, trophy, or other award for recognition of an employee, volunteer, or pupil if the purchase does not exceed statutory monetary limits; except, funds shall not be used to purchase alcoholic beverages, jewelry, fees for golf, or any item which is illegal, as consistent with and permitted by Policy 3205.

Legal authority: MCL 380.11a(3), 380.634, 380.1814

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4600 The Superintendent

4606 Discipline and Termination

The Board may discipline or discharge the Superintendent in conformance with the procedures and standards set forth in the Superintendent's individual employment contract with the Board. Where there is reason to believe that the Superintendent has engaged in conduct, performance, or behavior that warrants discipline, the President has the authority to place the Superintendent on paid administrative leave after consultation with legal counsel and pending investigation and further Board action.

If the President receives a complaint against the Superintendent that warrants review at a Board meeting, the Board may convene in open session or closed session at the Superintendent's request, to consider the complaint.

When considering whether discharge or a long-term unpaid disciplinary suspension is appropriate, the Board will provide the Superintendent with advance written notice of disciplinary charges and an opportunity for a hearing at a Board meeting. The Superintendent may request closed session consideration of the complaint or charges. If the Board is considering discharge or a long-term unpaid disciplinary suspension of the Superintendent, and the Superintendent requests a hearing, the Superintendent has the right to bring legal counsel (at the Superintendent's expense) to hear and contest the evidence supporting the discharge or long-term suspension and to submit evidence opposing the discipline.

If the Board concludes, by a preponderance of the evidence, that discharge or a long-term unpaid disciplinary suspension is warranted, the Board may discharge or suspend the Superintendent so long as the basis follows the standards identified in the Superintendent's employment contract. If the Superintendent's individual employment contract does not include a discipline provision, the Board may implement discipline for any lawful reason. Written discipline will be placed in the Superintendent's personnel file.

A suspension without pay may be imposed as a disciplinary consequence, consistent with the FLSA, for infractions of safety rules of major significance or infractions of workplace conduct rules, such as rules prohibiting unlawful harassment, workplace violence, drug or alcohol use, or for infractions of state or federal laws. Disciplinary deductions may only be made in full-day increments and must be imposed pursuant to a written Policy applicable to all employees.

The Superintendent's discharge will not negate residual rights that the Superintendent may have acquired under the Teachers' Tenure Act. Tenure charges seeking the Superintendent's discharge may be issued if appropriate.

Evidence of substantiated unprofessional conduct cannot be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b.

If the Superintendent fails to comply with certification, permit, or continuing education standards as required by law, the Superintendent's contract terminates immediately.

Legal authority: 29 CFR 541.602(b)(5); MCL 15.268(a); MCL 380.11a(3)(d), 380.601a, 380.1230b

Date adopted: November 8, 2021

Date revised:

Series 4000: District Employment

4600 The Superintendent

4607 Non-Renewal

The Board may, in its discretion, non-renew the Superintendent's individual employment contract effective at the end of the contract term. The Board must provide written notice of the non-renewal to the Superintendent at least 90 days before the contract expires, as provided by Revised School Code Section 1229(1). Failure to provide at least 90 days' advance written notice of non-renewal will result in extending the Superintendent's contract for an additional 1-year period.

Legal authority: MCL 380.1229(1)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5101 Student Expression

The District will balance student speech and expression rights with its responsibility to provide a safe, orderly learning environment.

Students may not engage in speech or expressive conduct that would materially and substantially interfere with or disrupt school operations, including school activities and educational programming. An actual disruption is not required before school officials may regulate student speech or impose discipline if they can reasonably forecast a substantial and material disruption or interference with school operations.

Students may be disciplined for speech or expressive conduct that: is materially and substantially disruptive or that school officials can reasonably forecast will create a substantial disruption; is obscene, sexually explicit, indecent, or lewd; promotes the use of or advertises illegal substances; incites violence; contains “fighting words” or constitutes a true threat of violence; constitutes hate speech or symbols, including, but not limited to, swastikas or Confederate flags; involves a student walkout; urges a violation of law, Board Policy, or rule; or is not constitutionally protected. Administrators will evaluate student speech on a case-by-case basis, including the location, context, and nexus to the school, before imposing discipline.

Student activism is subject to the above standards.

As used in this Policy, “fighting words” are words that tend to provoke a violent response amounting to a breach of the peace.

Legal authority: U.S. CONST. amend. I; Const 1963, art I, § 5; *Tinker v Des Moines Indep Community Sch Dist*, 393 US 503 (1969)

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5102 Lockers

Lockers are District property and may be made available for student use. Lockers are assigned to students on a temporary basis, and District administration may revoke a student's locker assignment at any time. The District retains ownership of lockers notwithstanding student use.

Students have no expectation of privacy in their lockers. The building principal or designee may inspect lockers without any particularized suspicion or reasonable cause and without advance notice. Upon the request of the building principal or designee, law enforcement may assist with searching lockers.

During a locker search, student privacy rights will be respected for any items that are not illegal or against Board Policy.

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

Legal authority: MCL 380.1306

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5103 Search and Seizure

School officials may search a student and the student's belongings if they have reasonable suspicion that the search will reveal contraband or evidence of a violation of law, Board Policy, or rule. In rare cases, school officials may conduct a search without reasonable suspicion if there is an imminent threat of physical harm or death.

A reasonable suspicion search must be justified at its inception and reasonable in its scope. A search is justified at its inception when school officials have reasonable grounds to suspect that the search will uncover contraband or evidence of a violation of law, Policy, or rule. A search is reasonable in scope when the measures used are reasonably related to the search objectives and are not excessively intrusive in light of the student's age and sex and the nature of the infraction.

School officials are not required to have reasonable suspicion to search lockers or other District property. See Policy 5102.

The District may use detection dogs to search for contraband on District property consistent with Policy 3107.

A breath alcohol test is a search and may be administered upon reasonable suspicion that a student has consumed or is under the influence of alcohol. For voluntary, noncurricular school activities (e.g., school dances), suspicionless breath alcohol tests may be administered for student health and safety purposes if students and their parents/guardians have been provided advance written notice.

Strip searches are prohibited.

The building principal or designee will turn over to law enforcement illegal items and dangerous weapons, as defined in Policy 5206, and may store in a secure place any other contraband or evidence seized from a search until a disciplinary hearing.

This Policy does not apply to any outside entity that may require drug or breath alcohol testing as a condition of participation. See Policy 5105.

Legal authority: MCL 380.1306, 380.1313(2)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5103-F-1 Search and Seizure Considerations

The following is a list of general considerations when conducting a search or seizure of a student's property. These considerations are for searches conducted by school officials only. Searches conducted by detection dogs are outside the scope of this administrative guideline and are governed by Policy 3107.

- Does the student have a reasonable expectation of privacy in the item to be searched?

If not, the student's item may be searched at any time, without reasonable suspicion or advance notice. If there is a reasonable expectation of privacy, the District must have reasonable suspicion before searching the item.

- *Lockers.* A student has no expectation of privacy in a locker owned or assigned by the District. See Policy 5103 and Revised School Code 380.1306.
- *District Technology.* A student has no expectation of privacy in the use of District technology resources, including District-issued devices and District Internet networks. See Policy 5208.
- *Private Property.* A student has an expectation of privacy in privately-owned personal property, e.g., personal electronic devices, backpacks, purses, and vehicles.
- *Pockets.* A student has an expectation of privacy in his or her body, including in pockets on clothing.

- Does the school official have "reasonable suspicion" to conduct the search?

For reasonable suspicion, the search must be (1) justified at its inception and (2) reasonable in scope. Both elements must be present based on the individual facts, circumstances, and context surrounding the search.

- *Justified at Inception.* A school official must have a specific reason at the beginning of the search to believe the student is engaging or has engaged in wrongdoing and that contraband or other evidence of wrongdoing will be discovered by the search.
 - What school rule or law did the student allegedly violate?
 - Did the school official directly observe (e.g., see, smell, or hear) the violation? Did the school official receive a tip from a reliable or trustworthy third party?
 - If the tip was anonymous, was the tip corroborated?

5103-F-1 Search and Seizure Considerations

- *Reasonable in Scope.* A search must be limited to the alleged wrongdoing and to the item or area where contraband or evidence of wrongdoing could reasonably be discovered.
 - What is the size of the contraband, and can it fit within the item or area to be searched?
 - Where and how is the school official conducting the search?
 - Reasonable suspicion is subject to greater scrutiny when a school official searches a student's person (e.g., pockets).
 - Strip searches are almost never permissible and may result in personal liability for the employee authorizing or conducting the search. If an employee believes a strip search is necessary, contact law enforcement before taking action.
 - Who will conduct the search?
 - Consider the school official's position of authority.
 - Consider the student's grade or developmental age.
 - Consider the student's gender.
 - Consider having a second adult witness the search.

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5103-F-2 Cell Phone Search and Seizure Considerations

This checklist is intended to help school officials understand when searching a student's cell phone is permissible.

A student has a reasonable expectation of privacy in a cell phone, including the information stored on it (e.g., messages, images, videos, phone numbers, and social media apps). Accordingly, before searching a student's cell phone, a school official must have at least one of the following: (1) the student's consent (or consent from student's parent/guardian or the phone's owner) or (2) reasonable suspicion that the search will produce evidence of wrongdoing (i.e., a school rule violation or illegal activity).

- Has the school official obtained voluntary consent to search the cell phone?
 - Asking for the student's voluntary consent must be a question rather than a directive. Voluntary consent, however, does not require a school official to inform the student of a right to refuse.
 - Consider that the cell phone may be password-protected and that asking may be the quickest way to unlock the cell phone.
 - If the student does not consent, the school official may obtain consent from the student's parent/guardian or may still be able to search it based on reasonable suspicion.
- Does the school official have "reasonable suspicion" to conduct the search?

For reasonable suspicion, the search must be both: (1) justified at its inception and (2) reasonable in scope. Whether both of those elements are present depends on the individual facts, circumstances, and context surrounding the search.

- *Justified at Inception.* A school official must have a specific reason at the beginning of the search to believe the student is engaging or has engaged in wrongdoing and that wrongdoing will be discovered by the search.

One of the following may satisfy this element:

- Does the school have a policy or rule that prohibits cell phones in school or during class time?
- Does the school official have actual knowledge (i.e., by seeing or hearing) that the student engaged in wrongdoing?
- Did the school official receive a tip from a reliable or trustworthy third party that the student's cell phone contains evidence of wrongdoing (i.e., threats,

5103-F-2 Cell Phone Search and Seizure Considerations

cyberbullying, plans of violence, or inappropriate images or recordings)? If the tip was anonymous, was the tip corroborated?

- *Reasonable in Scope.* A school official's search must be limited to discovering the specifically suspected wrongdoing. A school official cannot use the cell phone as a tool to fish for other unanticipated wrongdoings.
 - Is the suspected content on the cell phone directly related to the alleged violation?
 - If the alleged violation is having the cell phone out during class, searching through the contents of the cell phone would not be reasonable in scope. Though, confiscating the cell phone for the class period may be appropriate.
 - If a school official has reasonable suspicion that a student's cell phone contains sexually explicit images/videos of students, the school official should not search the phone but should, instead, inform the student's parent/guardian and refer the matter to law enforcement.
 - If a school official, after searching a cell phone, incidentally discovers sexually explicit images/videos of students, the school official must not engage in or allow further distribution of the images/videos. Sexually explicit images/videos of minor students may be "child sexually abusive material" or "child pornography" under state or federal law. The school official must not copy, transfer, download, share, send, duplicate, print, or otherwise disseminate the images/videos. Rather, the school official should confiscate the cell phone, inform the student's parent/guardian, and refer the matter to law enforcement.

Michigan's Internet Privacy Protection Act prohibits schools from asking students for or requiring disclosure of information to access a "personal internet account" (e.g., password-protected social media accounts).

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5104 Age of Majority

State law recognizes students are adults at age 18 or when otherwise legally emancipated. Except as noted below, all Board Policies, applicable codes of conduct, and any other applicable rules or behavioral expectations apply to all students regardless of age.

Unless inconsistent with a court order, students who are 18 years or older or legally emancipated may:

- A. have the same rights as their parents/guardians as they relate to access to or control of their student records;
- B. represent themselves during disciplinary conferences;
- C. request a personal curriculum;
- D. have other rights or privileges as determined by the Superintendent or designee;

Eligible students who wish to assert these rights must notify the building principal in writing. Otherwise, sections A-D above will not apply. The building principal or designee may notify an eligible student's parent/guardian that the eligible student has exercised the rights listed under this Policy.

Legal authority: MCL 380.1278b; MCL 722.4, 722.52

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5105 Collaboration with Outside Entities

Nothing in these Board Policies, including, without limitation, protocols for student searches and seizures, student discipline, interrogation of students, and seclusion and restraint, may be interpreted to interfere with any rule, regulation, or policy imposed by an outside entity with which the District cooperates or collaborates, except as otherwise prohibited by law.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5100 Student Rights

5106 Transgender Students

The Board recognizes that transgender students, nationally and in Michigan, are targeted with physical violence and experience a hostile school environment more frequently than their peers. Supportive environments that acknowledge and affirm a student's gender identity is a protective factor that improves health and educational outcomes.

The Board supports protecting the rights of all students to self-identify and use the name, pronouns, and facilities that correspond with their gender identity. The Board prohibits unlawful discrimination, bullying, and harassment on the basis of sex, which includes sexual orientation and gender identity. The Board further prohibits unlawful discrimination, bullying, and harassment on the basis of gender, gender identity, gender expression, or gender-based stereotypes pursuant to Title IX of the Education Amendments of 1972.

A. Definitions

1. "Gender" means a set of social, physical, psychological and emotional traits, often influenced by societal expectations and a person's sexual and reproductive anatomy that classify an individual as feminine, masculine, androgynous, or other.
2. "Gender Identity" means a person's deeply-held internal sense or psychological knowledge of their own gender. A person's gender identity can be the same or different from their sex assigned at birth. Gender identities may include, "male," "female," "androgynous," "transgender," "genderqueer" and many others, or a combination thereof.
3. "Gender Expression" means the multiple ways in which a person represents or expresses gender to themselves and others, often through one's name, pronouns, behavior, clothing, haircut, activities, voice, and other distinctive cultural markers of gender, and which may or may not conform to socially defined behaviors and characteristics typically associated with being masculine or feminine.
4. "Gender Neutral" means not gendered, usually operating outside the male/female binary, and may refer to language (e.g., pronouns), spaces (e.g., bathrooms), or identities.
5. "Transgender" means a person whose gender identity or expression is different from their sex assigned at birth.
6. "Cisgender" means a person whose gender identity aligns with the sex assigned at birth.
7. "Gender Nonconforming" includes people whose gender identity or expression does not conform to the stereotypical expectations of the sex they were

assigned at birth. People who identify as Gender Nonconforming may or may not also identify as Transgender.

8. "Gender-fluid" means a person who does not identify with a single fixed gender and whose identification and presentation may shift, whether within or outside of the male/female binary.
9. "Nonbinary" includes people who do not identify with the binary concepts of man/woman or masculine/ feminine. Not all Transgender people identify as Nonbinary. Other genders that may be included under the nonbinary umbrella are Genderqueer, Gender-fluid, and Agender.
10. "Preferred Gender Pronouns" means the pronoun or set of pronouns by which a person would like others to call them when their proper name is not being used. Traditional examples include "she/her/hers" or "he/him/his." Some people prefer Gender Neutral pronouns such as "they/them/theirs." Some people prefer no pronouns at all.

B. Unlawful Discrimination, Harassment, and Bullying

If a District employee receives a verbal, written, or electronic report of, witnesses, or otherwise directly or indirectly has notice that a student has experienced discrimination, harassment, or bullying based on a student's actual or perceived gender, gender identity, or gender expression, in violation of this Policy, the staff member must promptly report the alleged misconduct pursuant to the District's unlawful discrimination and harassment policies.

If a student receives a verbal, written, or electronic report of, witnesses, or otherwise directly or indirectly has notice there has been an incident of discrimination, harassment, or bullying based on a student's actual or perceived gender, gender identity, or gender expression in violation of this Policy, the student is encouraged to promptly report such incident pursuant to the District's unlawful discrimination and harassment policies.

Complaints alleging unlawful discrimination, harassment, or bullying based on a person's actual or perceived gender, gender identity, or gender expression must be taken seriously and handled pursuant to the District's unlawful discrimination and harassment policies.

C. Initial Notification

The person best suited to determine a student's Gender Identity is the individual student. A student will not be required to present legal or medical documentation of a gender transition when the student notifies the District of his, her, or their Gender Identity, preferred name, or Preferred Gender Pronouns.

Once a student or the student's parent/guardian notifies the District of the student's Gender Identity, the District will meet with the student and the student's parents, as appropriate, to discuss whether the student requires any accommodations or

supports at school and how any needed supports will be communicated to staff and students. The District will ensure that all staff engage in reasonable and good faith efforts to address the student by the student's preferred name and Preferred Gender Pronouns.

The nature and type of supports the student may need at school may vary depending on the student's age, grade level, abilities, family situation, and other factors. Any determination made about accommodations and supports for the student at school will take into account the student's preferences, the parent(s)'s preferences, as appropriate, input from staff, and the most recent guidance from the U.S. Department of Education and the Michigan State Board of Education.

A student may not have informed parents of the student's Gender Identity. In that situation, disclosure to a student's parents should be carefully considered on a case-by case basis. Administrators should involve the school counselor or social worker and consider the health, safety, and well-being of the student, as well as the school's responsibility to keep parents informed, before making any disclosure.

D. Student Records

Upon request, if a student's Gender Identity requires changes to student records, the District will make the appropriate changes, regardless of whether the student has "transitioned", sought a legal name change, or taken other legal or medical action. This includes, but is not limited to, updating the District's information systems, email addresses, class rosters, transcripts, and diplomas.

E. Student Privacy

A student's birth name and sex assigned at birth, or the fact that those differ from the student's preferred name and Preferred Gender Pronouns is confidential information that constitutes personally identifiable information under the Family Educational Rights and Privacy Act. The District will ensure that any information relating to a student's Gender Identity or Gender Expression is kept confidential in accordance with applicable state, local, and federal privacy laws.

Unless authorized by law, District staff will not disclose information that may reveal a student's birth name or sex assigned at birth, or that those differ from the student's preferred name and Preferred Gender Pronouns to others, including parents and other school staff.

F. Restroom and Locker Room Access

Student requests to use facilities like restrooms and locker rooms consistent with a student's Gender Identity will be addressed by the District on a case-by-case basis consistent with state and federal law and guidance.

The District will not force or coerce a student to use a sex-segregated facility that does not correspond with the student's Gender Identity.

Alternative and non-stigmatizing options, like gender-neutral or single-user restrooms will be made available to all students who request them.

G. Staff Training

The District will incorporate training on this Policy into the District's training on responding to and investigating unlawful discrimination and harassment. The Superintendent or designee will ensure that District personnel are notified of mandatory training sessions.

Legal authority: MCL 380.1310b; 20 USC 1232g; 20 USC 1681 et seq.; 20 USC 7151; Policy No. 5207 (Bullying); Policy No. 5202 (Discriminatory Harassment of Students); Policy No. 3118 (Title IX Sexual Harassment)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5201 Investigations, Arrests, and Other Law Enforcement Contact

The Board desires to maintain a positive working relationship with law enforcement agencies while protecting student rights and educational needs.

“Law enforcement officer” means a county sheriff or deputy sheriff; an officer of a city, village, or township police department; a city, village, or township marshal; a constable; a Michigan State Police officer; a federal law enforcement officer; an investigator of the state Department of Attorney General; a U.S. Immigration and Customs Enforcement (ICE) agent; a Federal Bureau of Investigations (FBI) agent; or any other person who has the legal authority to investigate criminal activity or to effectuate an arrest.

A. Student Records

District personnel may only share personally identifiable information from a student’s education record with law enforcement officers pursuant to Policy 5309 and state and federal law.

B. Reporting to Law Enforcement

A District administrator may contact a law enforcement officer any time the administrator suspects criminal activity; activity that threatens the health or safety of a student; or activity that disrupts or potentially disrupts the school environment.

C. School Related Criminal Activity

School related criminal activity is alleged or suspected criminal activity that occurs on school grounds, at a school-sponsored activity or athletic event, or in a vehicle owned or used by the District.

Law enforcement officers may contact and question students at school about school-related criminal activity as provided below.

A law enforcement officer must notify the building principal or designee before questioning a student at school. The building principal or designee must request the law enforcement officer’s identification before allowing the student to be questioned.

The building principal or designee will make reasonable attempts to contact a student’s parent/guardian before the student is questioned by law enforcement. If the student is 18 years or older or is emancipated, the building principal will make reasonable attempts to contact the student’s parent/guardian, if requested by the student. If a parent/guardian cannot be reached after reasonable attempts, the student may be questioned only if the law enforcement officer identifies emergency circumstances requiring immediate questioning. A building principal or designee

will be present for the questioning. The student will be questioned in a private room and out of sight of others as much as practicable.

The law enforcement officer has the responsibility to advise the student of all applicable rights, including the right against self-incrimination.

If at any time the building principal or designee believes that the law enforcement officer's questioning is being conducted in an inappropriate manner, the building principal or designee will request that the questioning cease.

D. Non-School Related Criminal Activity

Unless specifically authorized by law, a law enforcement officer may not question a student at school about non-school related criminal activity without parent/guardian consent or an appropriate warrant or court order.

E. Taking a Student into Custody

A law enforcement officer seeking to take a student into custody must contact the building principal or designee. If practicable, the building principal or designee will request that the law enforcement officer provide a copy of the warrant, written parent/guardian consent, court order, or other document authorizing the officer to take the student into custody. If the law enforcement officer takes a student into custody, the building principal or designee will obtain and record the officer's name, badge number, and law enforcement agency; the date, time, and reason for the arrest; and the location to which the student is reportedly being taken.

Whenever practicable, a student should be taken into custody in a manner that minimizes observation by others and disruption to the educational environment.

When a law enforcement officer removes a student from school, the building principal or designee will take immediate steps to notify the student's parent/guardian about the student's removal and the location to which the student is reportedly being taken, except when a student has been taken into custody as a victim of suspected child abuse or neglect.

F. Reserved

G. Child Abuse and Neglect

This Policy does not govern child abuse and neglect investigations. See Policy 5701.

Nothing in this Policy limits the authority of District personnel to question a student about suspected misconduct or investigate suspected misconduct at school.

Legal authority: MCL 380.11a

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5201-F-1 Non-School Related Student/Law Enforcement Contact Checklist

Non-School-Related Law Enforcement Contact

Student Name: _____

Date of Contact: _____

Officer/Agent/Agency: _____

Did law enforcement make contact primarily due to concern for the student's safety?

Yes No [If yes, STOP HERE. Cooperate with interview efforts]

Superintendent Contacted (When/How/Response?): _____

Principal Contacted (When/How/Response?): _____

Warrant/Other Court Order Reviewed and Copied: _____

Alternatively, state exigent/emergency circumstances claimed by law enforcement:

[If no warrant/court order/exigent circumstances, STOP HERE. Student must not be interviewed at school]

If Parent/Guardian notification is required or permitted:

Date/Time/Manner of Parent/Guardian Notification: _____

Person Notifying Parent/Guardian: _____

Date/Time/Manner of Parent/Guardian permission to interview student:

Parent/Guardian present at interview? _____

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5201-F-2 School Related Suspected Criminal Activity Student/Law Enforcement Contact Checklist

School-Related Suspected Criminal Activity

Student Name: _____

Date of Contact: _____

Nature of Incident: _____

Person Notifying Law Enforcement: _____

Responding Officer and Agency: _____

Date/Time/Means of Attempted Parent/Guardian Contact: _____

School Officials Attempting Parent/Guardian Contact: _____

Date/Time/Means of Actual Parent/Guardian Contact: _____

Parent/Guardian Contacted: _____

Superintendent Contacted (When/How/Response?): _____

Principal Contacted (When/How/Response?): _____

School Personnel at Police Interview: _____

5201-F-2 School Related Suspected Criminal Activity Student/Law Enforcement Contact Checklist

Parent/Guardian at Interview: _____

Law Enforcement Disposition: _____

Law Enforcement Report Obtained? Yes No

School Discipline Proceedings Initiated? Yes No

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5202 Unlawful Discrimination, Harassment, and Retaliation Against Students

The District prohibits unlawful discrimination. For purposes of this Policy, “unlawful discrimination” includes unlawful harassment and retaliation, unless specifically stated otherwise. The District will investigate all allegations of unlawful discrimination and will take appropriate action, including discipline, against any person who, following an investigation, is determined to have engaged in unlawful discrimination.

This Policy applies to student-to-student conduct and staff-to-student conduct. See Policy 4102 for District personnel harassment.

Complaints alleging Title IX sexual harassment (staff-to-staff, staff-to-student, student-to-student, or student-to-staff) are governed by Policy 3118.

This Policy applies to all conduct occurring on school property, including in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, at a school-sponsored activity or event whether or not it is held on school premises, or conduct with a direct nexus to school.

The District will comply with all applicable state and federal laws related to unlawful discrimination.

A. Student Handbooks

The Superintendent or designee will include in student handbooks a statement explaining the District’s policy against unlawful discrimination, including unlawful harassment and retaliation. This statement must include an explanation of types of unlawful discrimination, examples of harassment, reporting requirements, and consequences as described in this Policy.

B. Types of Unlawful Harassment

“Unlawful harassment” is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward a student because of the student’s race, color, religion, sex (including pregnancy, gender identity, or sexual orientation), national origin, disability, or any other legally protected class that has the purpose or effect of:

1. creating an intimidating, hostile, or offensive environment; or
2. unreasonably interfering with the student’s ability to benefit from the District’s educational programs or activities.

Race, color, and national origin harassment is prohibited by Title VI of the Civil Rights Act of 1964 and the Michigan Elliott-Larsen Civil Rights Act. Race, color, and national origin harassment is unwelcome conduct based on a student’s actual

or perceived race, color, or national origin. Race, color, and national origin harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially motivated physical threats, attacks, or other hateful conduct. Under this Policy, harassment based on ethnicity, ancestry, or perceived ancestral, ethnic, or religious characteristics, will be considered race, color, and national origin harassment.

Disability harassment is prohibited by the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Michigan Persons with Disabilities Civil Rights Act. Disability harassment is unwelcome conduct based on a student's actual or perceived disability. Disability harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as disability motivated physical threats, attacks, or other hateful conduct.

Sex-based harassment is prohibited by Title IX of the Education Amendments of 1972 and the Michigan Elliott-Larsen Civil Rights Act. For the definition of sexual harassment under Title IX, see Policy 3118. Sex-based harassment prohibited by this Policy includes harassment based on gender identity or sexual orientation. This Policy also prohibits harassment of a sexual nature that does not rise to the level of Title IX sexual harassment, as defined in Policy 3118.

C. Reporting Requirements

District personnel must immediately report incidents of alleged unlawful discrimination, including incidents that District personnel witness or about which they receive reports or information, regardless of whether the incidents are verbal, visual, or physical, and whether the incidents also constitute harassment, bullying, or hazing.

District personnel who witness an act of unlawful discrimination must intervene immediately, unless circumstances would make intervention dangerous. A person who is unable to intervene should promptly attempt to find another person who is able to intervene, contact a building administrator, or contact law enforcement, as the situation requires.

Any student who witnesses an act of unlawful discrimination is encouraged to report it to District personnel. No student will be retaliated against based on any report of suspected unlawful discrimination. A student may also anonymously report an incident of unlawful discrimination. The District will investigate anonymous reports pursuant to its investigation procedures described below. Minor students do not need parent/guardian permission to file complaints or participate in the formal complaint resolution process described below.

D. How to Report Unlawful Discrimination

If you or someone you know has been the victim of unlawful sex-based discrimination, you may file a report with any District employee or with the Title IX Coordinator:

Joshua Rothwell, Superintendent
7741 Shippy Rd SW Fife Lake, MI 49633
(231) 369-4191
jrothwell@forestarea.org

Formal Complaints of Title IX Sexual Harassment must be filed with the Title IX Coordinator. For information on the District's Title IX Sexual Harassment Grievance Process, see Policy 3118.

If you or someone you know has been the victim of disability-based discrimination, you may file a complaint with:

Joshua Rothwell, Superintendent
7741 Shippy Rd SW Fife Lake, MI 49633
(231) 369-4191
jrothwell@forestarea.org

If you or someone you know has been the victim of any other type of unlawful discrimination, including unlawful conduct based on race, color, or national origin, you may file a complaint with:

Joshua Rothwell, Superintendent
7741 Shippy Rd SW Fife Lake, MI 49633
(231) 369-4191
jrothwell@forestarea.org

A report of unlawful discrimination may be made verbally or in writing.

The coordinators identified above will document all unlawful discrimination reports, as well as any incidents they personally observe. The District will retain this documentation in accordance with applicable record retention requirements.

E. Complaint Process

Any person who has been the victim of unlawful discrimination or any person who has witnessed an incident of unlawful discrimination may make a complaint at any time. District personnel who receive a complaint of unlawful discrimination must immediately document the reported incident and notify the appropriate coordinator identified above by the end of the next school day.

F. Investigation Timelines

The District will initiate an investigation within 5 school days after receiving a complaint of unlawful discrimination. In most cases, an investigation will be completed within 20 school days.

The District will attempt to comply with all law enforcement requests for cooperation. In some circumstances, compliance with law enforcement requests may require the District to briefly suspend its investigation. The District will promptly resume its investigation as soon as it is notified by the law enforcement

agency that the law enforcement agency has completed its evidence gathering process. This delay should not exceed 10 school days. If the District's investigation is suspended, interim steps will be taken to provide for the safety of the alleged victim or victims and the school community and to avoid potential retaliation. Those steps may include suspending the alleged perpetrator from work or school until the investigation is complete. If the law enforcement agency does not notify the District within 10 school days that the investigation may resume, the District will notify the law enforcement agency that the District intends to promptly resume its investigation.

Within 5 school days after completing the investigation, the District will separately notify, in writing, the alleged victim and the alleged perpetrator of the investigation's outcome. Any disciplinary action against the alleged perpetrator will be implemented in accordance with the due process standards contained within Policy 5206.

An alleged victim of unlawful discrimination may present new evidence at any time.

An alleged perpetrator's status as a student with a disability will not affect the District's obligation to protect the alleged victim during and after an investigation.

G. Investigation Procedures

The District will use the following procedures when initiating and conducting investigations of unlawful discrimination:

1. Any written or verbal report of unlawful discrimination or harassment, including anonymous written or verbal reports, will be promptly addressed and investigated.
2. The District will assure the alleged victim that:
 - a. the complaint will be fully investigated;
 - b. the alleged victim's identity will be kept confidential during the investigation, to the extent possible;
 - c. the alleged victim will not be retaliated against by the District; and
 - d. the District will enforce its non-retaliation policy.
3. The District will take preventative measures to ensure that others, including the alleged perpetrator, do not retaliate against the alleged victim during or after the investigation.
4. The District will notify the alleged victim that the victim will not be required to confront the alleged perpetrator during the investigation, that steps will be taken to immediately ensure that the alleged conduct does not continue, and that retaliation is prohibited.

5. The District will interview any witnesses identified by the alleged victim and the alleged perpetrator. All witnesses will be assured that their identities will be kept confidential during the investigation, to the extent both possible and practical, and that retaliation is prohibited.
6. The District will implement individualized interim measures during the investigation to ensure that any unlawful conduct does not continue. Interim measures may include, but are not limited to, temporary schedule changes, no-contact directives, short-term suspensions, changes to class schedules or lockers, and student escorts.
7. The District will take action to end unlawful discrimination, including monitoring that the conduct does not reoccur and modifying responses if the unlawful discrimination does reoccur.
8. If the alleged victim is a minor student, the District will notify the student's parent/guardian of the complaint. The parent/guardian will be informed of the investigation's status, as appropriate.
9. Unless otherwise required by law, if an alleged victim has been discriminated against or harassed based on sexual orientation, gender identity, or non-compliance with gender stereotypes, the District will first consult with the student to determine an appropriate method of notifying the student's parent/guardian of the complaint.
10. All documentation, including witness statements, must be kept with the complaint and reports.
11. The District will use the preponderance of the evidence standard as the appropriate standard to substantiate allegations of unlawful discrimination.
12. If the District determines that a school official's impartiality has been compromised during the investigation process, that school official will be removed from the investigation and have no further involvement.
13. If an alleged victim requests complete confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the alleged victim's request. If an alleged victim insists that the victim's name or other identifying information not be disclosed to the alleged perpetrator, the appropriate coordinator or designee will notify the alleged victim that the District's ability to investigate and respond to the complaint may be limited.

H. Remedies

The District will take appropriate and effective measures to promptly remedy effects of unlawful discrimination. Appropriate remedies will be based on the circumstances and may include, but are not limited to:

1. providing an escort to ensure that the victim can safely attend classes and school activities;
2. providing the victim with school-based counseling services;
3. providing the victim with academic support services, such as tutoring;
4. rearranging course schedules, to the extent practicable, to minimize contact between the victim and perpetrator;
5. moving the victim's or the perpetrator's locker;
6. issuing a "no contact" directive to the perpetrator; or
7. imposing discipline, up to and including suspension or expulsion, consistent with Policy 5206 and the student code of conduct.

Whenever possible, the District will strive to ensure that the victim's academic and other school-related schedules remain intact.

These remedies may also be available to any other student who is or was affected by unlawful discrimination.

The applicable coordinator should also consider whether broader remedies are required, which may include, but are not limited to:

1. assemblies reminding students and staff of their obligations under this Policy and applicable handbooks;
2. additional staff training;
3. a climate survey; or
4. letters to students, staff, and parents/guardians reminding them of their obligations under this Policy and applicable handbooks.

If the alleged victim is a student with a disability, the Superintendent or designee will convene an IEP or Section 504 Team meeting to determine if additional or different programs, services, accommodations, or supports are required to ensure that the alleged victim continues to receive a free appropriate public education.

I. Investigation Report

After the investigation concludes, the appropriate coordinator or designee will create an investigation report. The report must include the following information:

1. the alleged victim's name, a description, or identifying information;
2. the alleged victim's relevant protected class(es);
3. the name, a description, or identifying information about the person making the report, if not the alleged victim;

4. the protected class(es) of the person making the report, if not the alleged victim;
5. the nature of the allegation, a description of the alleged incident(s), and the date and time (if known) of the alleged incident(s);
6. the name(s) and protected classes of all persons alleged to have committed the unlawful discrimination, if known, or a description/identifying information available if the name is not known;
7. the name(s) or description/identifying information and protected classes of all known witnesses to the alleged incident;
8. any written statement of the person making the report, the alleged victim (if different than the reporter), the alleged perpetrator(s), and any known witnesses;
9. the applicable standard of evidence, conclusion, and recommendations; and
10. the response by District personnel, including the date any incident was reported to law enforcement.

J. Filing a False Report

Any person who knowingly or maliciously files a false report of unlawful discrimination will be subject to discipline, up to and including expulsion.

K. Retaliation

Retaliation against a person who reports unlawful discrimination is prohibited. Any person who retaliates against a person who reports suspected unlawful discrimination will be disciplined in accordance with Policy 5206. This prohibition against retaliation also applies to retaliation against people who participate in or cooperate with an investigation related to a complaint.

L. Office for Civil Rights

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

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

This complaint may be filed before, during, or after filing a complaint with the District. A person may forego filing a complaint with the District and instead file a complaint directly with OCR. The District recommends that a person who has been subjected to unlawful discrimination also file a complaint with the District to ensure

that the District is able to take steps to prevent any further harassment and to discipline the alleged perpetrator, if necessary. OCR does not serve as an appellate body for District decisions. An investigation by OCR will occur separately from any District investigation.

M. Appeal Process

An alleged victim or alleged perpetrator may appeal the written investigation findings and conclusions to the Board President within 5 business days of receipt. Upon receipt of an appeal, the Board President or designee will review the investigation report, may contact additional witnesses, may consider all additional evidence, and may re-interview any witnesses. The Board President will then notify the parties in writing of the decision. The Board President or designee is not required to give deference to the investigation report and may consider any new, previously unavailable evidence in evaluating the appeal.

N. Training

The District will provide to District personnel training on responding to and investigating unlawful discrimination. This training is mandatory for all District personnel responsible for implementing and enforcing anti-discrimination and anti-harassment laws and related policies and procedures. The Superintendent or designee will ensure that District personnel are notified of mandatory training sessions.

Legal authority: 20 USC 1400 et seq., 1681 et seq.; 29 USC 206 et seq., 621 et seq., 701 et seq., 794, 2601 et seq., 6101 et seq.; 38 USC 4301 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.8, 106.9; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5203 Hazing

Hazing is an intentional or reckless act directed against a student that endangers the student's physical or mental health or safety that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization, activity, team, or social group. This Policy applies regardless of a student's consent, permission, or assumption of risk. Any student who engages in hazing may be subject to discipline.

Hazing includes, but is not limited to:

- physical brutality or punishment (e.g., whipping, beating, striking, branding, or placing a harmful substance on a student's body);
- physical activity that subjects a student to an unreasonable risk of harm or that adversely affects a student's physical or mental health or safety (e.g., sleep deprivation, exposure to the elements, confinement in a small space, or undressing or exposing a student);
- consumption of food, liquid, alcohol, drugs, or other substance that subjects a student to an unreasonable risk of harm or that adversely affects a student's physical or mental health or safety;
- an activity that induces, causes, or requires a student to commit a crime or an act of hazing;
- intentional humiliation or embarrassment of a student;
- detention or seclusion of a student; and
- other activities that subject a student to an unreasonable risk of harm or that adversely affect a student's physical or mental health or safety.

Legal authority: MCL 750.411t

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5204 Student Appearance and Dress Code

Student dress, hair style, make up, cleanliness, or personal appearance that is a threat to the safety, health, or welfare of students or others; violates any statute or Policy 5101; or substantially disrupts the educational environment or that school officials reasonably forecast will substantially disrupt the educational environment, is grounds for remedial or disciplinary action. The Superintendent or designee will develop and publish specific dress code regulations consistent with this Policy.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5205 *Student Handbooks*

The Superintendent or designee will ensure that each school develops, publishes, and regularly updates a student handbook, the content of which must be consistent with these Policies. Each student handbook must contain a student code of conduct. A student handbook has the force and effect of Board Policy.

Legal authority: MCL 380.1309, 380.1312(8)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206 Student Discipline

A. Student Discipline - Generally

The Board is committed to providing students and staff with a safe learning environment free from substantial disruption. Consistent with this commitment, the District may discipline students who engage in misconduct, up to and including suspension or expulsion from school.

The District will take steps to effectively discipline students in a manner that minimizes out-of-school suspensions and expulsions. The District will comply with applicable laws related to student discipline, including the consideration of specific factors and possible use of restorative practices.

B. Applicability

This Policy applies to student conduct that occurs:

1. on District property;
2. at a school-sponsored or school-related event;
3. on a school bus or vehicle;
4. while traveling to or from school, including at a bus stop; and
5. at any other time or place if the conduct has a nexus to the school, substantially disrupts the school environment, or as permitted by law.

C. Student Code of Conduct

The Superintendent or designee will develop, regularly update, and annually publish a student code of conduct in all student handbooks. The student code of conduct must:

1. identify offenses that may result in discipline;
2. identify possible disciplinary consequences for each offense, which may, if appropriate, include suspension or expulsion;
3. be consistent with applicable state and federal laws and Board Policies; and
4. include a copy of Policy 5206E entitled "Suspension from Class, Subject, or Activity by Teacher."

D. Definitions

For purposes of this Policy:

1. “suspend” or “suspension” means a disciplinary removal from school for less than 60 school days;
2. “expel” or “expulsion” means a disciplinary removal from school for 60 or more school days;
3. “restorative practices” means practices that emphasize repairing the harm to the victim and the school community caused by a student’s misconduct; and
4. “Mandatory 7 Factors” means the following:
 - a. the student’s age;
 - b. the student’s disciplinary history;
 - c. whether the student has a disability;
 - d. the seriousness of the behavior;
 - e. whether the behavior posed a safety risk;
 - f. whether restorative practices are a better option; and
 - g. whether lesser interventions would address the behavior.

E. Restorative Practices

Before suspending or expelling a student (except a student who possesses a firearm in a weapon-free school zone), teachers, administrators, and the Board must first determine whether restorative practices would better address the student’s misconduct, recognizing the Board’s objective of minimizing out-of-school suspensions and expulsions. Likewise, teachers, administrators, and the Board must consider whether restorative practices should be used in addition to the suspension or expulsion. Restorative practices, which may include a victim-offender conference, should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment, and cyberbullying.

All victim-offender conferences must be conducted consistent with state and federal law and Policies. No student who claims to be the victim of unlawful harassment may be compelled to meet with the alleged perpetrator of the harassment as part of a restorative practice.

F. Discretionary Suspension or Expulsion

Under Michigan law, a suspension of 10 or fewer school days is presumed to be reasonable. A suspension of more than 10 school days or an expulsion is, in most circumstances, presumed not to be justified. Before imposing a suspension or an expulsion, administrators or the Board must consider the Mandatory 7 Factors.

1. Building Administrators - 10 or fewer days

The Board delegates to all building administrators the authority to suspend a student for up to 10 school days consistent with the student code of conduct.

A building administrator may also suspend a student for up to 10 school days pending further investigation and possible further disciplinary consequences, including a longer-term suspension or expulsion.

Before exercising this authority, the building administrator must consider the Mandatory 7 Factors.

Additionally, before suspending a student for any length of time, the building administrator must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

2. Superintendent - Less than 60 school days

The Board delegates to the Superintendent the authority to suspend a student for less than 60 school days consistent with the student code of conduct. Before exercising this authority, the Superintendent must consider the Mandatory 7 Factors.

Any time the Superintendent finds that a suspension of more than 10 school days is warranted, the Superintendent must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

Additionally, before suspending a student for any length of time, the Superintendent must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

3. Board - Suspension or Expulsion

The Board may suspend or expel a student for an offense consistent with the student code of conduct.

Before exercising this authority, the Board must consider the Mandatory 7 Factors.

Any time the Board finds that a suspension of more than 10 school days or expulsion is warranted, the Board must base the rationale on the Mandatory 7 Factors and explain the rationale in writing.

Before exercising this authority, the Board must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

G. Criminal Sexual Conduct – Discretionary Suspension or Expulsion

If a student commits criminal sexual conduct, as defined in Revised School Code Section 1311, against another student enrolled in the District and expulsion is not mandatory under Policy 5206 H.3, the District may suspend or expel the student even if the student has not been criminally charged, subject to consideration of the Mandatory 7 Factors.

Before exercising this authority, the District must provide the student due process as described in Policy 5206A. If the student is a student with a disability, the student's discipline is also subject to Policy 5206B.

H. Mandatory Suspension or Expulsion

Building principals and other administrators must refer all incidents that may result in a mandatory suspension or expulsion to the Superintendent or designee for transmission to the Board. As explained below, the Board recognizes that in some circumstances it may choose not to suspend or expel a student. Nothing in this section may be construed as limiting the Board's discretion to suspend or expel a student for any offense that the student code of conduct identifies as possibly resulting in suspension or expulsion.

1. Possession of a Dangerous Weapon

a. Possession of a Firearm

If a student possesses a firearm in a weapon-free school zone, the Board will permanently expel the student unless the student demonstrates, in a clear and convincing manner, at least one of the following:

- the student was not possessing the firearm to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
- the student did not knowingly possess the firearm;
- the student did not know or have reason to know that the firearm constituted a "dangerous weapon"; or
- the student possessed the firearm at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

b. Possession of a Dangerous Weapon (Other than a Firearm)

If a student possesses a dangerous weapon (other than a firearm) in a weapon-free school zone, the Board will consider whether to permanently

expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Board is not required to expel a student for possession of a dangerous weapon (other than a firearm) if the student demonstrates, in a clear and convincing manner, at least one of the following:

- the student was not possessing the instrument or object to use as a weapon or to deliver, either directly or indirectly, to another person to use as a weapon;
- the student did not knowingly possess the weapon;
- the student did not know or have reason to know that the instrument or object constituted a “dangerous weapon”; or
- the student possessed the weapon at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

If a student demonstrates one of the above circumstances in a clear and convincing manner and the student has not been previously suspended or expelled from school, the Board will not expel the student unless the Board finds that, based on the circumstances, expulsion is warranted.

c. Applicable Definitions for Dangerous Weapon Offense

“Weapon-free school zone” means school property and a vehicle used by a school to transport students to or from school property.

“School property” means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

“Dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

“Firearm” means (i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (ii) the frame or receiver of any such weapon; (iii) any firearm muffler or firearm silencer; or (iv) any destructive device. “Firearm” does not include an antique firearm, as defined by 18 USC § 921.

“Destructive device” means (i) any explosive, incendiary, or poison gas (including a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device); (ii) any type of weapon (other than a shotgun or a shotgun shell that the Attorney General finds is

generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (iii) any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

d. Additional Procedures for Dangerous Weapon Expulsion

The Superintendent or designee must ensure that if a student is expelled for possession of a dangerous weapon, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for possession of a dangerous weapon to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion. The Superintendent or designee must also make a referral to local law enforcement and contact the student's parent/guardian immediately any time a student is found to have brought a dangerous weapon to school or possessed a dangerous weapon at school, at a school related activity, or in a school vehicle. If a District official confiscates a dangerous weapon, the District official will give the dangerous weapon to law enforcement and will not release the dangerous weapon to any other person, including the legal owner.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for possession of a dangerous weapon may not enroll in the District.

2. Arson

If a student commits arson as defined in Revised School Code Section 1311, in a school building or on school grounds, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing arson, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing arson to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing arson may not enroll in the District.

3. Criminal Sexual Conduct

If a student commits criminal sexual conduct as defined in Revised School Code Section 1311, in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another student enrolled in the District, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for committing criminal sexual conduct, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for committing criminal sexual conduct to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311(6), a student expelled by another district or public school academy for committing criminal sexual conduct may not enroll in the District.

4. Physical Assault

a. Physical Assault Against Employee, Volunteer, or Contractor

If a student in grade 6 or above commits a physical assault at school against an employee, volunteer, or contractor and the victim reports the physical assault to the Board or to a school administrator or, if the victim is unable to report the assault, another person makes the report on the victim's behalf, the Board will consider whether to permanently expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

The Superintendent or designee must ensure that if a student is expelled for physically assaulting an employee, volunteer, or contractor, the student's permanent record reflects the expulsion. The Superintendent or designee must refer a student who is expelled for physically assaulting an employee, volunteer, or contractor to the county department of social services or the county community mental health agency and notify the student's parent/guardian (or the student, if the student is at least age 18 or is an emancipated minor) of the referral within 3 calendar days of the expulsion.

Unless reinstated pursuant to Revised School Code Section 1311a(5), a student expelled by another district or public school academy for physically assaulting an employee, volunteer, or contractor may not enroll in the District.

b. Physical Assault Against Another Student

If a student in grade 6 or above commits a physical assault at school against another student and the physical assault is reported to the Board or to an administrator, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for committing a physical assault against another student may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

c. Applicable Definitions for Physical Assault Against Student

- i. "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.
- ii. "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

5. Bomb Threat or Similar Threat

If a student in grade 6 or above makes a bomb threat or similar threat directed at a school building, other District property, or at a school-related event, the District will consider whether to suspend or expel the student or to impose a less severe penalty after first considering the Mandatory 7 Factors.

A resident student in grade 6 or above who is currently expelled by another district or public school academy for making a bomb threat or similar threat may request to enroll in the District. The Superintendent or designee will consider the request along with any information the Superintendent or designee determines relevant. The Superintendent or designee may either grant or deny the request. The Superintendent's decision is final.

I. Statewide School Safety Information Policy (SSSIP) & Law Enforcement Reporting

The Superintendent or designee must notify law enforcement when required by the SSSIP and make all other reports and provide all other notifications required by the SSSIP or any state or federal law. Nothing in this Policy limits the ability of a school administrator to contact law enforcement at any other time.

J. Educational Programming During Suspension or Expulsion

Except as otherwise required by law or as provided in this Policy, a student who has been suspended or expelled may not be on school property, attend classes or other school functions, or participate in extracurricular activities during the

student's suspension or expulsion without written permission from the Superintendent or designee. District personnel may assist students who have been suspended or expelled to explore alternative means, as allowed by law, to earn credit and to complete coursework during the period of the student's suspension or expulsion.

Legal authority: 18 USC 921; 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206A Student Discipline - Due Process

The District will provide students due process to the extent required by state and federal law before a student is suspended or expelled. All District administrators must respect student due process rights.

If a District administrator determines that an emergency exists that requires the immediate removal of a student from school, the administrator may contact the student's parent/guardian or local law enforcement or take other measures to have the student safely removed from school. The administrator must, as soon as practicable thereafter, follow the procedures outlined in this Policy.

A. Building Administrator – 10 or Fewer School Days

Before suspending a student for 10 or fewer school days, an administrator must: (1) provide the student verbal notice of the offense the student is suspected to have committed, and (2) provide the student an informal opportunity to explain what happened. Except in emergency circumstances, an administrator will not suspend the student unless, after providing the student notice and an opportunity to explain, the administrator is reasonably certain that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence.

B. Superintendent or Designee – 59 or Fewer School Days

Before suspending a student for more than 10 school days but less than 60 school days, the Superintendent or designee must provide the parent/guardian or student with: (1) written notice of the offense the student is suspected to have committed; (2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and (3) an opportunity for a hearing at which the student may present evidence and witnesses to show that the student did not commit the alleged offense or that suspension is not an appropriate consequence. The Superintendent or designee will provide the parent/guardian or student at least 3 calendar days' notice before the hearing. The parent/guardian and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Superintendent or designee will not suspend the student unless, following the hearing, he or she is convinced by a preponderance of the evidence that the student committed a violation of the student code of conduct and that suspension is the appropriate consequence. A parent/guardian or student may appeal the Superintendent's or designee's decision to the Board. The appeal must be submitted to the Board within 3 calendar days of the decision. The Board will hear the appeal at its next regularly scheduled meeting. The Board's decision is final. The student's suspension will run while the appeal is pending.

C. Board Suspension or Expulsion

Before the Board suspends or expels a student, the Superintendent or designee must provide the parent/guardian or student with: (1) written notice of the offense the student is suspected to have committed; (2) an explanation of the evidence relied upon by the District in arriving at the conclusion that disciplinary action may be warranted; and (3) an opportunity for a Board hearing at which the student may present evidence and witnesses to show that the student did not commit the suspected offense or that suspension or expulsion is not an appropriate consequence. The Superintendent or designee will provide the parent/guardian or student at least 3 calendar days' notice before the hearing. The parent/guardian and student may be represented, at their cost, by an attorney or another adult advocate at the hearing. The Board will not suspend or expel the student unless, following the hearing, a majority of the Board finds by a preponderance of the evidence that the student committed misconduct that should result in suspension or expulsion under either the student code of conduct or this Policy and that suspension or expulsion is the appropriate consequence. The Board's decision is final.

Legal authority: *Goss v Lopez*, 419 US 565 (1975)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206B Student Discipline - Students with Disabilities

The District will follow all applicable state and federal laws related to disciplining students with disabilities. Students with disabilities are entitled to all due process protections afforded to other students pursuant to Policy 5206A. For students with disabilities, the additional procedures and protections in this Policy also apply.

A. Change of Placement

On the date on which the District decides to: (1) expel a student with a disability; (2) suspend a student with a disability for more than 10 consecutive school days; (3) suspend a student with a disability for more than 10 cumulative school days in the same school year if a pattern of removals exists; or (4) place a student with a disability in an interim alternative educational setting (explained below), the District will notify the student's parent/guardian of that decision, will provide the parent/guardian a copy of applicable procedural safeguards, and will conduct a manifestation determination review (MDR) within 10 school days.

B. Manifestation Determination Review

The MDR team, which includes the parent/guardian and relevant members of the student's IEP or Section 504 Team, will determine whether the student's conduct was a manifestation of the student's disability.

1. Conduct Was a Manifestation

If the conduct was a manifestation of the student's disability, the District must immediately return the student to the placement from which the student was removed unless the parent/guardian and the District agree to change the placement or the student is placed in an interim alternative educational setting for up to 45 school days (see section C).

For a student with an IEP, if the conduct was a manifestation of the student's disability, the District must either: (1) conduct a functional behavioral assessment (unless one was previously conducted) and implement a behavior intervention plan for the student; or (2) if a behavior intervention plan was already developed, review and modify the behavior intervention plan to address the conduct at issue.

2. Conduct Was Not a Manifestation

If the conduct was not a manifestation of the student's disability, the District may proceed with the suspension or expulsion by adhering to the due process requirements in Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from recurring.

C. Interim Alternative Educational Setting (“IAES”)

The District may remove a student with a disability who engages in any of the following conduct to an IAES for not more than 45 school days, even if the conduct is a manifestation of the student’s disability:

1. carrying a weapon to or possessing a weapon at school, on school premises, or to or at a school function;
2. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.

For purposes of this section only, a “weapon” means a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. A “weapon” does not include a pocket knife with a blade of less than 2½ inches in length.

No student with a disability may be removed to an IAES without first receiving the due process rights afforded under Policy 5206A.

If the student has an IEP, the District must, as appropriate, conduct a functional behavioral assessment and develop a behavior intervention plan or other behavioral modifications for the student to prevent the behavior from continuing.

D. Dangerous Students

The District may remove a dangerous student from school as permitted by law. District administrators must follow all state and federal laws governing the removal of dangerous students with disabilities.

E. Services During Disciplinary Removal or IAES

A student who is eligible for services under the Individuals with Disabilities Education Act (IDEA) who is expelled or suspended for more than 10 school days during a school year or placed in a 45-school day IAES is entitled to receive programs and services, although in a setting other than the regular school setting, that are sufficient to enable the student to participate in the general education curriculum and to progress toward meeting the goals contained in the student’s IEP.

F. Students Not Yet IDEA Eligible

A student who is not currently identified as a student with a disability under the IDEA is entitled to the rights and procedures provided to students with disabilities if the District had knowledge that the student was a student with a disability before the misconduct occurred. The District is deemed to have knowledge that a student was a student with a disability only if: (1) the student's parent/guardian expressed concern in writing to a school administrator that the student needed special education or related services; (2) the student's parent/guardian requested a special education evaluation; or (3) the student's teacher or other District personnel expressed specific concerns about a pattern of behavior demonstrated by the student to the District's special education director or to other supervisory personnel. The District will not be deemed to have knowledge that the student was a student with a disability if: (1) the student's parent/guardian refused to allow the District to evaluate the student; (2) the student's parent/guardian refused special education for the student; or (3) the student was previously evaluated and determined to not be a student with a disability.

This Policy does not provide a comprehensive description of the disciplinary rights and procedures due to students with disabilities. District administrators must ensure that the rights of students with disabilities are protected and all procedures applicable to students with disabilities are followed as required by the IDEA, Section 504 of the Rehabilitation Act, state law, and Board Policy.

Legal authority: 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-.1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206C Student Discipline - Reinstatement Following Expulsion

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

A. Reinstatement Following Mandatory Permanent Expulsion

The parent/guardian of a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon may file a petition for reinstatement 60 school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a firearm or threatening another person with a dangerous weapon no sooner than 90 school days after the expulsion date.

The parent/guardian of a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a dangerous weapon but not for possessing a firearm or threatening another person with a dangerous weapon, or who was expelled for committing arson or criminal sexual conduct, may file a petition for reinstatement at any time. The Board, in its discretion, may reinstate a student who was in grade 5 or below at the time of expulsion and who was expelled for possessing a dangerous weapon (unless the possession was of a firearm or involved threatening another person with a dangerous weapon) or for committing arson or criminal sexual conduct no sooner than 10 school days after the expulsion date.

The parent/guardian of a student (or student, if emancipated or at least 18 years old) who was in grade 6 or above at the time of expulsion and who was expelled for (1) possessing a dangerous weapon; (2) committing arson; (3) criminal sexual conduct pursuant to Policy 5206 H.3 (mandatory expulsion) or (4) physically assaulting an employee, volunteer, or contractor, may file a petition for reinstatement 150 school days or later from the date of the expulsion. The Board, in its discretion, may reinstate a student who was in grade 6 or above at the time of expulsion and who was expelled for (1) possessing a dangerous weapon; (2) committing arson; (3) criminal sexual conduct pursuant to Policy 5206 H.3; or (4) physically assaulting an employee, volunteer, or contractor, no sooner than 180 school days after the expulsion date.

The parent/guardian (or the student, if emancipated or at least 18 years old) must prepare and submit the reinstatement petition. The Superintendent or designee will provide a reinstatement petition form, upon request, for the parent/guardian or student to use. The Board may request that the parent/guardian or the student attach additional relevant information to the reinstatement petition.

The Board will appoint a reinstatement committee, consisting of two board members, one administrator, one teacher, and one parent/guardian of a current District student to consider a reinstatement petition no more than 10 school days after receiving a reinstatement petition. The Superintendent must prepare and submit information to the reinstatement committee about the circumstances surrounding the student's expulsion and any factors supporting and not supporting reinstatement.

The reinstatement committee must convene not later than 10 school days following its appointment to: (1) review the reinstatement petition and supporting documentation submitted by the parent/guardian or the student; (2) review the information submitted by the Superintendent; and (3) submit to the Board a written recommendation whether the Board should unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement to the student based on consideration of all of the following factors:

1. the extent to which reinstatement would create a risk of harm to other students or District personnel;
2. the extent to which reinstatement would create a risk of District liability or individual liability for the Board or District personnel;
3. the student's age and maturity;
4. the student's school record before the incident that caused the expulsion;
5. the student's attitude concerning the incident that caused the expulsion;
6. the student's behavior since the expulsion and the student's prospects for remediation; and
7. if the petition was filed by a parent/guardian, the degree of cooperation that the parent/guardian has provided the student and the degree of cooperation the parent/guardian can be expected to provide the student if the student is reinstated.

Before making its recommendation, the reinstatement committee may request that the student and the parent/guardian appear in person to answer questions. If the committee recommends that the student be conditionally reinstated, the committee must include in its written recommendation to the Board a list of recommended conditions.

At or before its next regularly scheduled meeting following receipt of the reinstatement committee's recommendation, the Board will consider the recommendation and make a final decision to unconditionally reinstate the student, conditionally reinstate the student, or deny reinstatement. The Board may require a student, and if the petition was filed by a parent/guardian, the parent/guardian, to agree in writing to specific conditions to reinstatement, including, without limitation, a behavior contract, completion of an anger management program, a

“last-chance” agreement, counseling, drug treatment, or a psychological evaluation. The District is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, parents/guardians (or the student, if emancipated or at least 18 years old) will provide verification that the conditions were satisfied. The Board’s decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final.

If the Board denies reinstatement, the parent/guardian or student may not file another petition for reinstatement until 180 school days after the date of the denial, unless the Board specifies otherwise at the time of denial.

B. Reinstatement Following Discretionary Permanent Expulsion

Unless otherwise expressly authorized by the Board at the time of a permanent expulsion, a student expelled for reasons other than those resulting in a mandatory permanent expulsion under Policy 5206 may not petition the Board for reinstatement until at least 150 school days after the date of the expulsion, and the student may not be reinstated until at least 180 school days after the date of the permanent expulsion. Upon receipt of a timely reinstatement petition, the Board will hold a hearing at its next regularly scheduled meeting to consider the petition and any information submitted by the parent/guardian or student and the Superintendent or designee in either support of or opposition to the petition. The Board may unconditionally grant, conditionally grant, or deny the reinstatement petition. The District is not obligated to provide or to pay for any reinstatement condition imposed by the Board. Upon request of the District, parents/guardians (or students who are emancipated or at least 18 years old) will provide verification that the conditions were satisfied. The Board’s decision to unconditionally grant, conditionally grant, or deny the reinstatement petition is final. If the Board denies reinstatement, the parent/guardian or student may not file another petition for reinstatement until at least 180 school days after the date of the denial, unless the Board specifies otherwise at the time of denial.

Legal authority: 18 USC 921; 20 USC 1401 et seq., 7151; 29 USC 705, 794-794b; MCL 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206D Student Discipline - Enrollment Following Misconduct at Another Public or Nonpublic School

To the extent permitted by law, the District may deny enrollment to a student who engaged in misconduct in another public or nonpublic school and who seeks to enroll in the District either: (1) before the previous school imposes disciplinary consequences for the misconduct; or (2) while the student is suspended or expelled from the previous public or nonpublic school. The Superintendent or designee must refer the student to the Board if, under the student code of conduct, the student's misconduct in the previous public or nonpublic school would result in a long-term suspension or expulsion from that institution and, in the Superintendent's or designee's opinion, the student's enrollment in the District would jeopardize the safety or welfare of the District or substantially disrupt District operations. The Board will hold a pre-enrollment hearing following the Superintendent's or designee's referral to consider whether the student may enroll and, if so, any conditions on enrollment. The Board will consider any information submitted by the parent/guardian or student and the Superintendent in either support of or opposition to the student's enrollment.

This Policy does not apply to students seeking to enroll who have been expelled for any of the following offenses:

- A. possession of a firearm or other dangerous weapon;
- B. arson;
- C. criminal sexual conduct pursuant to Policy 5206 H.3;
- D. physical assault on an employee, contractor, or volunteer if student is in grade 6 or above;
- E. physical assault of another student if student is in grade 6 or above; and
- F. a bomb threat or similar threat if student is in grade 6 or above.

Legal authority: MCL 380.11a, 380.1308-1310, 380.1310a, 380.1310c, 380.1310d, 380.1311, 380.1311a, 380.1312, 380.1313

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206E Student Discipline - Suspension from Class, Subject, or Activity by Teacher

A teacher may suspend a student from any class, subject, or activity for up to one full school day if the teacher has good reason to believe that the student:

- A. intentionally disrupted the class, subject, or activity;
- B. jeopardized the health or safety of any of the other participants in the class, subject, or activity; or
- C. was insubordinate during the class, subject, or activity.

Any teacher who suspends a student from a class, subject, or activity must immediately report the suspension and its reason to the building principal or designee. If a student is suspended from a class, subject, or activity, but will otherwise remain at school, the building principal or designee must ensure that the student is appropriately supervised during the suspension and, if the student is a student with a disability, that all procedures applicable to students with disabilities are followed.

Any teacher who suspends a student from a class, subject, or activity must, as soon as possible following the suspension, request that the student's parent/guardian attend a parent-/guardian-teacher conference to discuss the suspension. The building principal or designee must attend the conference if either the teacher or the parent/guardian requests the building principal's attendance. The building principal or designee must make reasonable efforts to invite a school counselor, school psychologist, or school social worker to attend the conference.

Legal authority: MCL 380.1309

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-1 Checklist for Factors to Consider Before Suspending/Expelling

Before suspending or expelling a student, building administration must complete this form

Student Name: _____ Grade Level: _____

Date of Alleged Offense: _____ Location of Offense: _____

Description of Misconduct: _____

Before issuing any discipline, Revised School Code Section 1310d requires school officials to consider the following factors:

Did the student possess a firearm on school property or at a school event? Yes No

If Yes, there is no need to complete the remainder of this form.

Student's DOB: _____ Age at time of alleged offense: _____

Does student have a disciplinary history? Yes No

If YES, attach printout or briefly describe relevant discipline: _____

Is the current misconduct similar to past misconduct? Yes No

Is the student a student with a disability (consider a. and b. below)? Yes No

a. Check YES if any of the following are true:

- i. Student has IEP or 504 plan;
- ii. Student is currently being evaluated for IDEA or Section 504 eligibility;
- iii. Parent/guardian has expressed concern in writing to a supervisor, administrator, or teacher that the student needs special education and related services;
- iv. Parent/guardian has requested a special education evaluation; or

5206-F-1 Checklist for Factors to Consider Before Suspending/Expelling

- v. Teacher or other personnel expressed specific concern directly to special education director or other supervisory personnel about student's pattern of behavior.

b. Check NO if:

- i. none of the above factors apply;
- ii. the student was evaluated for IDEA or Section 504 eligibility but found ineligible;
- iii. the school sought permission to evaluate and the parent/guardian declined; or
- iv. the parent/guardian revoked consent for or refused IDEA or Section 504 services.

Did the misconduct threaten the safety of any student or staff member? Yes No

Will restorative practices be used to address the misconduct? Yes No

a. Restorative practices must be considered in addition to, or in lieu of, suspension or expulsion.

b. If restorative practices will be used, briefly describe: _____

Is there an intervention other than suspension/expulsion that would address the misconduct? Yes No

a. If YES, will the lesser intervention be used? Yes No

b. If NO, why not? _____

I have considered the above factors and the seriousness of the misconduct, and I have determined that the following discipline is appropriate:

Administrator Signature

Date

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Discipline

5206-F-2 Victim-Offender Conference Agreement

A Victim-Offender Conference is one type of restorative practice that can, in appropriate circumstances, be used in addition to, or in lieu of, suspension or expulsion. Victim-Offender conferences must be: (1) initiated by the victim; (2) approved by the victim's parent/guardian, or the victim if 15 or older; and (3) attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender, as applicable. *Conferences and informal resolutions of Title IX sexual harassment complaints must be conducted consistent with Policy 3118.*

Victim-Offender conferences provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm.

Offender Name: _____ Offender Grade: _____

Affected Student(s): _____

Date of Misconduct: _____ Location of Misconduct: _____

Describe Misconduct: _____

Date of Conference: _____ Agreement Reached? Yes No

Does the offending student accept responsibility for the misconduct? Yes No

Describe the agreed-upon consequences and the time limit for serving/completing the consequences. Consider requiring the offender to apologize; participate in community service, restoration, or counseling; or pay restitution:

5206-F-2 Victim-Offender Conference Agreement

Note: The above-listed consequences may be in lieu of, or in addition to, suspension or expulsion.

Describe the consequences if the offending student fails to comply with this Agreement:

Conference Participant Names and Signatures. Invite relevant members of the school community, offending student supporters, and affected student(s) supporters:

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5200 Student Conduct and Discipline

5206-F-3 Letter to Parent/Guardian: Superintendent Hearing Referral

To be sent on District letterhead

[Date]

[Parent's/Guardian's Name]
[Parent's/Guardian's Address]

Re: Student Discipline

Dear [Parent's/Guardian's Name]:

Based on a thorough investigation, I have concluded that on [date(s)], your child, [Student's Name], violated section(s) [section numbers] of the District's Student Code of Conduct by [description of conduct]. As a result, I have referred this matter to the District's Superintendent and have recommended that [Student's Name] be suspended from school for [number of days, not to exceed 59] days.

Following a hearing, which will be held on [date of hearing] at [time of hearing], the Superintendent will make the final decision whether to suspend [Student's Name] and the duration of the suspension. At the hearing, you and [Student's Name] may submit evidence and present testimony to challenge my findings or my disciplinary recommendations. A copy of the hearing procedures is attached.

Until the Superintendent issues a final decision, [Student's Name] will remain suspended from school, may not attend classes or other school functions, may not be present on school property, and may not participate in extracurricular activities.

If you have any questions, please contact me.

Sincerely,

[Building Principal or Lead Administrator's Name]

c: Superintendent

Enclosure [Enclose Hearings Rights and Procedures]

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5200 Student Conduct and Discipline

5206-F-4 Letter to Parent/Guardian: Board Hearing Referral

To be sent on District letterhead

[Date]

[Parent's/Guardian's Name]

[Parent's/Guardian's Address]

Re: Student Discipline

Dear [Parent's/Guardian's Name]:

Based on a thorough investigation, the District's administration has concluded that on [date(s)], your child, [Student's Name], violated section(s) [section numbers] of the [District's Student Code of Conduct/the Revised School Code] by [description of conduct]. As a result, administration has referred this matter to the District's Board and has recommended that [Student's Name] be [suspended or expelled] from school [for (number of days) school days/permanently].

Following a hearing, which will be held on [date of hearing] at [time of hearing] at [location], the Board will make the final decision whether to [suspend or expel] [Student's Name]. At the hearing, you and [Student's Name] may submit evidence and present testimony to challenge administration's findings or disciplinary recommendation.

You have the right pursuant to both Policy 2501 and Open Meetings Act Section 8(1)(b) to have the Board hold the hearing in private (i.e., in a closed session of the Board), but as also required by law and Policy, the Board must act on the matter publicly (i.e., in open session). If you want the Board to hold the hearing in private, the District will not disclose any personally identifiable information in open session when it acts. Please notify me as soon as possible whether you would like the Board to proceed in open or closed session. A copy of the hearing procedures is attached.

Until the Board issues its final decision, [Student's Name] will remain suspended from school, may not attend classes or other school functions, may not be present on school property, and may not participate in extracurricular activities.

If you have any questions, please contact me.

Sincerely,

[Superintendent's Name]

c: Board

Enclosure [Enclose Hearings Rights and Procedures]

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5200 Student Conduct and Discipline

5206-F-5 Recommended Board Motion and Minutes Language

Agenda language

Use if the parent/guardian has requested a closed session hearing:

“Closed session student discipline hearing pursuant to Michigan Open Meetings Act Section 8(1)(b).”

Use if the parent/guardian has requested an open session hearing or if the Board is unsure whether the parent/guardian will request open or closed session:

“Student Discipline Hearing”

Motion to go into closed session

The motion must be seconded; we recommend taking a roll-call vote, though a roll-call vote is not required by law:

“Pursuant to Section 8(1)(b) of the Michigan Open Meetings Act and upon the request of the [student, if 18 or legally emancipated, or student’s parent/guardian], I move that the Board of Education go into closed session for the purpose of conducting a hearing to consider the discipline of a student whose identity is known to the Board (“Student”).”

Open session meeting minutes language

Note: A copy of the resolution taking disciplinary action against the student is a public document. Ensure that the student’s name does not appear on the resolution or in the open session minutes, unless the parent/guardian or eligible student has provided signed consent permitting the Board to include such language in the resolution or minutes.

“Following [an open or a closed] session hearing, the Board voted [insert vote result] to [suspend/expel/permanently expel/reinstate] a student whose identity is known to the Board of Education consistent with the attached resolution.”

Closed session minutes

Separate closed session minutes are legally required for all closed session meetings. The minutes should be brief but must accurately outline what transpired during the meeting. As a reminder, closed session minutes cannot be disclosed unless a Court orders disclosure.

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-6 Board Resolution: Possession of a Firearm in a Weapon-Free School Zone

[INSERT DISTRICT NAME]

BOARD RESOLUTION FOR STUDENT DISCIPLINE

A [regular or special] meeting of the Board of Education (the "Board") was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o'clock in the [a.m. or p.m.] (the "Meeting").

The Meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The administration has recommended that, pursuant to Revised School Code Section 1311(2), a student whose identity is known to the Board (the "Student") be expelled for possessing a firearm in a weapon-free school zone.

2. School administrators notified the Student's parent/guardian of the specific charge underlying the disciplinary recommendation, as well as the date, time, and place of the disciplinary hearing.

3. Pursuant to the request of the Student's parent/guardian, and as authorized by Michigan Open Meetings Act Section 8(1)(b), MCL 15.268(1)(b), the disciplinary hearing was conducted in [an open or a closed] session meeting of the Board.

4. The hearing afforded the Student and the Student's representatives an opportunity to respond to the charge and to present pertinent evidence for the Board's consideration.

5. The Board has carefully considered all of the evidence produced in this student discipline hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A preponderance of the evidence [establishes or does not establish] that on [date(s)], the Student possessed a firearm in a weapon-free school zone.

2. [Delete if not applicable] Clear and convincing evidence establishes that the student [check any that apply]:

5206-F-6 Board Resolution: Possession of a Firearm in a Weapon-Free School Zone

- did not possess the firearm for use as a weapon or for direct or indirect delivery to another person for use as a weapon;
- did not knowingly possess the firearm;
- did not know or have reason to know that the firearm constituted a dangerous weapon;
- possessed the firearm at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

3. The Student [has or has not] been previously suspended or expelled from school.

4. [Delete if not applicable]. The Student is permanently expelled from the District, subject to possible reinstatement under Revised School Code Section 1311(6).

[NOTE: If the student demonstrates through clear and convincing evidence one of the circumstances identified in paragraph 2 and the student has not been previously suspended or expelled from school, there is a presumption that expulsion is not warranted. That presumption may, however, be rebutted based on the unique circumstances of the misconduct.]

-or-

[Delete if not applicable] Because the Student [insert reason from above], the Student is not permanently expelled from the District. However, the Student is [suspended or expelled] for [(number of days) days/until (date)].

-or-

[Delete if not applicable] The Student is not subject to any further disciplinary sanctions and may return to school on [date of reinstatement].

5. [Delete if not applicable] During the time of the [expulsion or suspension], the Student may not be on school grounds or attend any functions at the District without prior written approval from an appropriate administrator.

6. [Delete if not applicable]. [In addition to or In lieu of] [expulsion or suspension], the Student must complete the following restorative practices on or before [insert date for completion of restorative practices]: [List restorative practices]. The Student's failure to complete these restorative practices may result in further disciplinary consequences or the denial of reinstatement.

7. [Delete if student not permanently expelled] Administrators are directed to refer the Student to the county department of social services or the county community mental health agency and to notify the Student's parent/guardian of the referral within 3 calendar days of this Resolution. [NOTE: Schools must notify the Student's parent/guardian and law enforcement if a student possesses a dangerous weapon at school, at a school

5206-F-6 Board Resolution: Possession of a Firearm in a Weapon-Free School Zone

activity, or en route to or from school on a school bus. If the District has not yet notified law enforcement, do so immediately.]

8. Consistent with Revised School Code Sections 11a and 1311(1), the Board finds that the interests of the District are served by this resolution.

9. [Delete if Student is not eligible for or seeking services under the Individuals with Disabilities Education Act] Consistent with the Board's actions taken this date, administration shall promptly meet with the Student's parent/guardian to determine those appropriate educational services to which the Student may be entitled under state and federal law.

10. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.

11. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary's Name], Board Secretary

[NOTE: All "notes" and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-7 Board Resolution: Possession of a Dangerous Weapon (Not a Firearm)

[INSERT DISTRICT NAME]

BOARD RESOLUTION FOR STUDENT DISCIPLINE

A [regular or special] meeting of the Board of Education (the “Board”) was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o’clock in the [a.m. or p.m.] (the “Meeting”).

The Meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The administration has recommended that, pursuant to Revised School Code Section 1311(2), a student whose identity is known to the Board (the “Student”) be expelled for possessing a dangerous weapon, [insert description of the weapon, note blade length if weapon is a knife], in a weapon-free school zone.

2. School administrators notified the Student’s parent/guardian of the specific charge underlying the disciplinary recommendation, as well as the date, time, and place of the disciplinary hearing.

3. Pursuant to the request of the Student’s parent/guardian, and as authorized by Michigan Open Meetings Act Section 8(1)(b), MCL 15.268(1)(b), the disciplinary hearing was conducted in [an open or a closed] session meeting of the Board.

4. The hearing afforded the Student and the Student’s representatives an opportunity to respond to the charge and to present pertinent evidence for the Board’s consideration.

5. The Board has carefully considered all of the evidence produced in this student discipline hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A preponderance of the evidence [establishes or does not establish] that on [date(s)], the Student possessed a dangerous weapon, [insert description of the weapon; note blade length if weapon is a knife], in a weapon-free school zone.

2. [Delete if not applicable] Clear and convincing evidence establishes that the Student [check any that apply]:

5206-F-7 Board Resolution: Possession of a Dangerous Weapon (not a firearm)

- did not possess the object or instrument for use as a weapon or for direct or indirect delivery to another person for use as a weapon;
- did not knowingly possess the weapon;
- did not know or have reason to know that the object or instrument constituted a dangerous weapon;
- possessed the weapon at the suggestion, request or direction of, or with the express permission of, school or police authorities.

3. Based on careful consideration of all of the following factors, the Board determines that [expulsion or suspension] [is or is not] warranted:

- The Student's age;
- The Student's disciplinary history;
- Whether the Student has a disability;
- The seriousness of the behavior;
- Whether the behavior posed a safety risk;
- Whether restorative practices are a better option; and
- Whether lesser interventions would address the behavior.

[NOTE: There is a presumption that suspension of greater than 10 days or expulsion is not warranted. That presumption may, however, be rebutted based on the above factors.]

4. [Delete if not applicable]. The Student is permanently expelled from the District, subject to possible reinstatement under Revised School Code Section 1311(6).

[NOTE: If the student demonstrates through clear and convincing evidence one of the circumstances identified in paragraph 2 and the student has not been previously suspended or expelled from school, there is a presumption that expulsion is not warranted. That presumption may, however, be rebutted based on the unique circumstances of the misconduct.]

-or-

[Delete if not applicable] Because the Student [insert reason from above], the Student is not permanently expelled from the District. However, the Student is [suspended or expelled] for [(number of days) days/until (date)].

-or-

[Delete if not applicable] The Student is not subject to any further disciplinary sanctions and may return to school on [date of reinstatement].

5. [Delete if not applicable] During the time of the [expulsion or suspension], the Student may not be on school grounds or attend any functions at the District without prior written approval from an appropriate administrator.

5206-F-7 Board Resolution: Possession of a Dangerous Weapon (not a firearm)

6. [Delete if not applicable]. [In addition to or In lieu of] [expulsion or suspension], the Student must complete the following restorative practices on or before [insert date for completion of restorative practices]: [List restorative practices]. The Student’s failure to complete these restorative practices may result in further disciplinary consequences or the denial of reinstatement.

7. [Delete if student not permanently expelled] Administrators are directed to refer the Student to the county department of social services or the county community mental health agency and to notify the Student’s parent/guardian of the referral within 3 calendar days of this Resolution. [NOTE: Schools must notify the Student’s parent/guardian and law enforcement if a student possesses a dangerous weapon at school, at a school activity, or en route to or from school on a school bus. If the District has not yet notified law enforcement, do so immediately.]

8. Consistent with Revised School Code Sections 11a and 1311(1), the Board finds that the interests of the District are served by this resolution.

9. [Delete if Student is not eligible for or seeking services under the Individuals with Disabilities Education Act] Consistent with the Board’s actions taken this date, administration shall promptly meet with the Student’s parent/guardian to determine those appropriate educational services to which the Student may be entitled under state and federal law.

10. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.

11. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board’s minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the “Open Meetings Act” (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary’s Name], Board Secretary

[NOTE: All “notes” and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-8 Board Resolution: Physical Assault against Employee, Volunteer, or Contractor

[INSERT DISTRICT NAME]

BOARD RESOLUTION FOR STUDENT DISCIPLINE

A [regular or special] meeting of the Board of Education (the "Board") was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o'clock in the [a.m. or p.m.] (the "Meeting").

The Meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The administration has recommended that, pursuant to Revised School Code Section 1311a(1), a student whose identity is known to the Board (the "Student") be expelled for physically assaulting a school [employee or volunteer or contractor].
2. The Revised School Code defines physical assault as "intentionally causing or attempting to cause physical harm to another through force or violence."
3. School administrators notified the Student's parent/guardian of the specific charge underlying the disciplinary recommendation, as well as the date, time, and place of the disciplinary hearing.
4. Pursuant to the request of the Student's parent/guardian, and as authorized by Michigan Open Meetings Act Section 8(1)(b), MCL 15.268(1)(b), the disciplinary hearing was conducted in [an open or a closed] session meeting of the Board.
5. The hearing afforded the Student and the Student's representatives an opportunity to respond to the charge and to present pertinent evidence for the Board's consideration.
6. The Board has carefully considered all of the evidence produced in this student discipline hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A preponderance of the evidence [establishes or does not establish] that on [date(s)], the Student physically assaulted a School [employee or volunteer or contractor] in violation of state law and the Student Code of Conduct.

5206-F-8 Board Resolution: Physical Assault against Employee, Volunteer, or Contractor

2. Based on careful consideration of all of the following factors, the Board determines that [expulsion or suspension] [is or is not] warranted:

- The Student's age;
- The Student's disciplinary history;
- Whether the Student has a disability;
- The seriousness of the behavior;
- Whether the behavior posed a safety risk;
- Whether restorative practices are a better option; and
- Whether lesser interventions would address the behavior.

[NOTE: There is a presumption that suspension of greater than 10 days or expulsion is not warranted. That presumption may, however, be rebutted based on the above factors.]

3. [Delete if not applicable]. The Student is permanently expelled from the District, subject to possible reinstatement under Revised School Code Section 1311(5).

-or-

[Delete if not applicable] The Student is suspended [expelled or suspended] for [(number of days) days or until (date)].

-or-

[Delete if not applicable] The Student is not subject to any further disciplinary sanctions and may return to school on [date of reinstatement].

4. [Delete if not applicable] During the time of the [expulsion or suspension], the Student may not be on school grounds or attend any functions at the District without prior written approval from an appropriate administrator.

5. [Delete if not applicable]. [In addition to or In lieu of] [expulsion or suspension], the Student must complete the following restorative practices on or before [insert date for completion of restorative practices]: [List restorative practices]. The Student's failure to complete these restorative practices may result in further disciplinary consequences or denial of reinstatement.

6. [Delete if student not permanently expelled] Administrators are directed to refer the Student to the county department of social services or the county community mental health agency and to notify the Student's parent/guardian of the referral within 3 calendar days of this Resolution.

7. Consistent with Revised School Code Sections 11a and 1311(1), the Board finds that the interests of the District are served by this resolution.

8. [Delete if Student is not eligible for or seeking services under the Individuals with Disabilities Education Act] Consistent with the Board's actions taken this date, administration shall promptly meet with the Student's parent/guardian to determine those

5206-F-8 Board Resolution: Physical Assault against Employee, Volunteer, or Contractor

appropriate educational services to which the Student may be entitled under state and federal law.

9. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.

10. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary's Name], Board Secretary

[NOTE: All "notes" and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-9 Board Resolution: Physical Assault against Student

[INSERT DISTRICT NAME]

BOARD RESOLUTION FOR STUDENT DISCIPLINE

A [regular or special] meeting of the Board of Education (the “Board”) was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o’clock in the [a.m. or p.m.] (the “Meeting”).

The Meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The administration has recommended that, pursuant to Revised School Code Section 1310(1), a student whose identity is known to the Board (the “Student”) be [suspended or expelled] for physically assaulting another student.
2. The Revised School Code defines physical assault as “intentionally causing or attempting to cause physical harm to another through force or violence.”
3. School administrators notified the Student’s parent/guardian of the specific charge underlying the disciplinary recommendation, as well as the date, time, and place of the disciplinary hearing.
4. Pursuant to the request of the Student’s parent/guardian, and as authorized by Michigan Open Meetings Act Section 8(1)(b), MCL 15.268(1)(b), the disciplinary hearing was conducted in [an open or a closed] session meeting of the Board.
5. The hearing afforded the Student and the Student’s representatives an opportunity to respond to the charge and to present pertinent evidence for the Board’s consideration.
6. The Board has carefully considered all of the evidence produced in this student discipline hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A preponderance of the evidence [establishes or does not establish] that on [date(s)], the Student physically assaulted another student on school property in violation of state law and the Student Code of Conduct.

5206-F-9 Board Resolution: Physical Assault against Student

2. Based on careful consideration of all of the following factors, the Board determines that [expulsion or suspension] [is or is not] warranted:

- The Student's age;
- The Student's disciplinary history;
- Whether the Student has a disability;
- The seriousness of the behavior;
- Whether the behavior posed a safety risk;
- Whether restorative practices are a better option; and
- Whether lesser interventions would address the behavior.

[NOTE: There is a presumption that suspension of greater than 10 days or expulsion is not warranted. That presumption may, however, be rebutted based on the above factors.]

3. [Delete if not applicable]. The Student is permanently expelled from the District.

-or-

[Delete if not applicable] The Student is [suspended or expelled] for [(number of days) days or until (date)].

-or-

[Delete if not applicable] The Student is not subject to any further disciplinary sanctions and may return to school on [date of reinstatement].

4. [Delete if not applicable] During the time of the [expulsion or suspension], the Student may not be on school grounds or attend any functions at the District without prior written approval from an appropriate administrator.

5. [Delete if not applicable]. [In addition to or In lieu of] [expulsion or suspension], the Student must complete the following restorative practices on or before [insert date for completion of restorative practices]: [List restorative practices]. The Student's failure to complete these restorative practices may result in further disciplinary consequences.

6. [Only use if Board expels student and Board wants to impose reinstatement conditions; otherwise delete] The Student may petition the [Superintendent or Board] for reinstatement no sooner than [date]. Before reinstatement, the Student must do [any or all] of the following:

- demonstrate successful participation in an appropriate counseling program approved by the [Superintendent or Board] that includes both group and individual counseling;
- submit to the [Superintendent or Board] competent and credible evidence from an appropriately licensed and credentialed professional that the Student does not pose a risk of harm to the Student or to others;

5206-F-9 Board Resolution: Physical Assault against Student

- establish that the Student has not engaged in conduct during the period of expulsion that may be viewed by the [Superintendent or Board] as detrimental to the Student's continued education at the District;
- complete to the satisfaction of the [Superintendent or Board] all recommendations contained in any psychological or counseling report;
- demonstrate to the satisfaction of the [Superintendent or Board] that the Student received educational instruction and cooperatively participated in an educational program during the period of expulsion;
- [Insert other conditions as appropriate].

7. Consistent with Revised School Code Sections 11a and 1311(1), the Board finds that the interests of the District are served by this resolution.

8. [Delete if Student is not eligible for or seeking services under the Individuals with Disabilities Education Act] Consistent with the Board's actions taken this date, administration shall promptly meet with the Student's parent/guardian to determine those appropriate educational services to which the Student may be entitled under state and federal law.

9. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.

10. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary's Name], Board Secretary

[NOTE: All "notes" and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-10 Board Resolution: Bomb Threat/Similar Threat

[INSERT DISTRICT NAME]

BOARD RESOLUTION FOR STUDENT DISCIPLINE

A [regular or special] meeting of the Board of Education (the “Board”) was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o’clock in the [a.m. or p.m.] (the “Meeting”).

The meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The administration has recommended that, pursuant to Revised School Code Section 1311a(2), a student whose identity is known to the Board (the “Student”) be [suspended or expelled] for making a bomb threat or similar threat.
2. School administrators notified the Student’s parent/guardian of the specific charge underlying the disciplinary recommendation, as well as the date, time, and place of the disciplinary hearing.
3. Pursuant to the request of the Student’s parent/guardian, and as authorized by Michigan Open Meetings Act Section 8(b), MCL 15.268(b), the disciplinary hearing was conducted in [an open or a closed] session meeting of the Board.
4. The hearing afforded the Student and the Student’s representatives an opportunity to respond to the charge and to present pertinent evidence for the Board’s consideration.
5. The Board has carefully considered all of the evidence produced in this student discipline hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A preponderance of the evidence [establishes or does not establish] that on [date(s)], the made a bomb threat or similar threat directed at a school building, other school property, or a school-related event in violation of state law and the Student Code of Conduct.
2. Based on careful consideration of all of the following factors, the Board determines that [expulsion or suspension] [is or is not] warranted:

5206-F-10 Board Resolution: Bomb Threat/Similar Threat

- The Student's age;
- The Student's disciplinary history;
- Whether the Student has a disability;
- The seriousness of the behavior;
- Whether the behavior posed a safety risk;
- Whether restorative practices are a better option; and
- Whether lesser interventions would address the behavior.

[NOTE: There is a presumption that suspension of greater than 10 days or expulsion is not warranted. That presumption may, however, be rebutted based on the above factors.]

3. [Delete if not applicable]. The Student is permanently expelled from the District.

-or-

[Delete if not applicable] The Student is [suspended or expelled] for [(number of days) days or until (date)].

-or-

[Delete if not applicable] The Student is not subject to any further disciplinary sanctions and may return to school on [date of reinstatement].

4. [Delete if not applicable] During the time of the [expulsion or suspension], the Student may not be on school grounds or attend any functions at the District without prior written approval from an appropriate administrator.

5. [Delete if not applicable]. [In addition to or In lieu of] [expulsion or suspension], the Student must complete the following restorative practices on or before [insert date for completion of restorative practices]: [List restorative practices]. The Student's failure to complete these restorative practices may result in further disciplinary consequences.

6. [Only use if Board expels student and Board wants to impose reinstatement conditions; otherwise delete] The Student may petition the [Superintendent or Board] for reinstatement no sooner than [date]. Before reinstatement, the Student must do [any or all] of the following:

- demonstrate successful participation in an appropriate counseling program approved by the [Superintendent or Board] that includes both group and individual counseling;
- submit to the [Superintendent or Board] competent and credible evidence from an appropriately licensed and credentialed professional that the Student does not pose a risk of harm to the Student or to others;
- establish that the Student has not engaged in conduct during the period of expulsion that may be viewed by the [Superintendent or Board] as detrimental to the Student's continued education at the District;

5206-F-10 Board Resolution: Bomb Threat/Similar Threat

- complete to the satisfaction of the [Superintendent or Board] all recommendations contained in any psychological or counseling report;
- demonstrate to the satisfaction of the [Superintendent or Board] that the Student received educational instruction and cooperatively participated in an educational program during the period of expulsion;
- [Insert other conditions as appropriate].

7. Consistent with Revised School Code Sections 11a and 1311(1), the Board finds that the interests of the District are served by this resolution.

8. [Delete if Student is not eligible for or seeking services under the Individuals with Disabilities Education Act] Consistent with the Board's actions taken this date, administration shall promptly meet with the Student's parent/guardian to determine those appropriate educational services to which the Student may be entitled under state and federal law.

9. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.

10. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary's Name], Board Secretary

[NOTE: All "notes" and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-10 Board Resolution: Bomb Threat/Similar Threat

[INSERT DISTRICT NAME]

BOARD RESOLUTION FOR STUDENT DISCIPLINE

A [regular or special] meeting of the Board of Education (the "Board") was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o'clock in the [a.m. or p.m.] (the "Meeting").

The meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The administration has recommended that, pursuant to Revised School Code Section 1311a(2), a student whose identity is known to the Board (the "Student") be [suspended or expelled] for making a bomb threat or similar threat.
2. School administrators notified the Student's parent/guardian of the specific charge underlying the disciplinary recommendation, as well as the date, time, and place of the disciplinary hearing.
3. Pursuant to the request of the Student's parent/guardian, and as authorized by Michigan Open Meetings Act Section 8(1)(b), MCL 15.268(1)(b), the disciplinary hearing was conducted in [an open or a closed] session meeting of the Board.
4. The hearing afforded the Student and the Student's representatives an opportunity to respond to the charge and to present pertinent evidence for the Board's consideration.
5. The Board has carefully considered all of the evidence produced in this student discipline hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A preponderance of the evidence [establishes or does not establish] that on [date(s)], the made a bomb threat or similar threat directed at a school building, other school property, or a school-related event in violation of state law and the Student Code of Conduct.
2. Based on careful consideration of all of the following factors, the Board determines that [expulsion or suspension] [is or is not] warranted:

5206-F-10 Board Resolution: Bomb Threat/Similar Threat

- The Student's age;
- The Student's disciplinary history;
- Whether the Student has a disability;
- The seriousness of the behavior;
- Whether the behavior posed a safety risk;
- Whether restorative practices are a better option; and
- Whether lesser interventions would address the behavior.

[NOTE: There is a presumption that suspension of greater than 10 days or expulsion is not warranted. That presumption may, however, be rebutted based on the above factors.]

3. [Delete if not applicable]. The Student is permanently expelled from the District.

-or-

[Delete if not applicable] The Student is [suspended or expelled] for [(number of days) days or until (date)].

-or-

[Delete if not applicable] The Student is not subject to any further disciplinary sanctions and may return to school on [date of reinstatement].

4. [Delete if not applicable] During the time of the [expulsion or suspension], the Student may not be on school grounds or attend any functions at the District without prior written approval from an appropriate administrator.

5. [Delete if not applicable]. [In addition to or In lieu of] [expulsion or suspension], the Student must complete the following restorative practices on or before [insert date for completion of restorative practices]: [List restorative practices]. The Student's failure to complete these restorative practices may result in further disciplinary consequences.

6. [Only use if Board expels student and Board wants to impose reinstatement conditions; otherwise delete] The Student may petition the [Superintendent or Board] for reinstatement no sooner than [date]. Before reinstatement, the Student must do [any or all] of the following:

- demonstrate successful participation in an appropriate counseling program approved by the [Superintendent or Board] that includes both group and individual counseling;
- submit to the [Superintendent or Board] competent and credible evidence from an appropriately licensed and credentialed professional that the Student does not pose a risk of harm to the Student or to others;
- establish that the Student has not engaged in conduct during the period of expulsion that may be viewed by the [Superintendent or Board] as detrimental to the Student's continued education at the District;

5206-F-10 Board Resolution: Bomb Threat/Similar Threat

- complete to the satisfaction of the [Superintendent or Board] all recommendations contained in any psychological or counseling report;
- demonstrate to the satisfaction of the [Superintendent or Board] that the Student received educational instruction and cooperatively participated in an educational program during the period of expulsion;
- [Insert other conditions as appropriate].

7. Consistent with Revised School Code Sections 11a and 1311(1), the Board finds that the interests of the District are served by this resolution.

8. [Delete if Student is not eligible for or seeking services under the Individuals with Disabilities Education Act] Consistent with the Board's actions taken this date, administration shall promptly meet with the Student's parent/guardian to determine those appropriate educational services to which the Student may be entitled under state and federal law.

9. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.

10. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary's Name], Board Secretary

[NOTE: All "notes" and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-11 Board Resolution: Arson or Criminal Sexual Conduct on School Property; or Off-Campus Criminal Sexual Conduct Against District Student with Plea, Conviction, or Adjudication

[INSERT DISTRICT NAME]

BOARD RESOLUTION FOR STUDENT DISCIPLINE

A [regular or special] meeting of the Board of Education (the "Board") was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o'clock in the [a.m. or p.m.] (the "Meeting").

The meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The administration has recommended that, pursuant to Revised School Code Section 1311(2), a student whose identity is known to the Board (the "Student") be expelled for committing [Arson or Criminal Sexual Conduct].
2. School administrators notified the Student's parent/guardian of the specific charge underlying the disciplinary recommendation, as well as the date, time, and place of the disciplinary hearing.
3. Pursuant to the request of the Student's parent/guardian, and as authorized by Michigan Open Meetings Act Section 8(1)(b), MCL 15.268(1)(b), the disciplinary hearing was conducted in [an open or a closed] session meeting of the Board.
4. The hearing afforded the Student and the Student's representatives an opportunity to respond to the charge and to present pertinent evidence for the Board's consideration.
5. The Board has carefully considered all of the evidence produced in this student discipline hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A preponderance of the evidence [establishes or does not establish] that the Student [committed [Arson or Criminal Sexual Conduct] as defined in Revised School Code Section 1311, in a school building or on school grounds in violation of state law and the Student Code of Conduct.]

5206-F-11 Arson or Criminal Sexual Conduct on School Property; or Off-Campus Criminal Sexual Conduct Against District Student with Plea, Conviction, or Adjudication

-or-

[was convicted of, adjudicated for, or pled guilty or no contest to criminal sexual conduct against another student in violation of state law.]

2. Based on careful consideration of all of the following factors, the Board determines that [expulsion or suspension] [is or is not] warranted:

- The Student's age;
- The Student's disciplinary history;
- Whether the Student has a disability;
- The seriousness of the behavior;
- Whether the behavior posed a safety risk;
- Whether restorative practices are a better option; and
- Whether lesser interventions would address the behavior.

[NOTE: There is a presumption that suspension of greater than 10 days or expulsion is not warranted. That presumption may, however, be rebutted based on the above factors.]

3. [Delete if not applicable]. The Student is permanently expelled from the District, subject to possible reinstatement under Revised School Code Section 1311(6).

-or-

[Delete if not applicable] The Student is [expelled or suspended] for [(number of days) days or until (date)].

-or-

[Delete if not applicable] The Student is not subject to any further disciplinary sanctions and may return to school on [date of reinstatement].

4. [Delete if not applicable] During the time of the [expulsion or suspension], the Student may not be on school grounds or attend any functions at the District without prior written approval from an appropriate administrator.

5. [Delete if not applicable]. [In addition to or In lieu of] [expulsion or suspension], the Student must complete the following restorative practices on or before [insert date for completion of restorative practices]: [List restorative practices]. The Student's failure to complete these restorative practices may result in further disciplinary consequences.

6. [Delete only if student is not permanently expelled] Administrators are directed to refer the Student to the county department of social services or the county community mental health agency and to notify the Student's parents/guardians of the referral within 3 calendar days of this Resolution.

7. Consistent with Revised School Code Sections 11a and 1311(1), the Board finds that the interests of the District are served by this resolution.

5206-F-11 Arson or Criminal Sexual Conduct on School Property; or Off-Campus Criminal Sexual Conduct Against District Student with Plea, Conviction, or Adjudication

8. [Delete if Student is not eligible for or seeking services under the Individuals with Disabilities Education Act] Consistent with the Board's actions taken this date, administration shall promptly meet with the Student's parent/guardian to determine those appropriate educational services to which the Student may be entitled under state and federal law.

9. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.

10. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary's Name], Board Secretary

[NOTE: All "notes" and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-12 Board Resolution: Other Offenses Including Criminal Sexual Conduct Against District Student that Occurred Off-Campus without Plea, Conviction, or Adjudication

[INSERT DISTRICT NAME]

BOARD RESOLUTION FOR STUDENT DISCIPLINE

A [regular or special] meeting of the Board of Education (the "Board") was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o'clock in the [a.m. or p.m.] (the "Meeting").

The meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. The administration has recommended that a student whose identity is known to the Board (the "Student") be [expelled or suspended] for [description of conduct].
2. School administrators notified the Student's parents/guardians of the specific charge underlying the discipline recommendation, as well as the date, time, and place of the disciplinary hearing.
3. Pursuant to the request of the Student's parents/guardians, and as authorized by Michigan Open Meetings Act Section 8(1)(b), MCL 15.268(1)(b), the disciplinary hearing was conducted in [an open or a closed] session meeting of the Board.
4. The hearing afforded the Student and the Student's representatives an opportunity to respond to the charge and to present pertinent evidence for the Board's consideration.
5. The Board has carefully considered all of the evidence produced in this student discipline hearing.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A preponderance of the evidence [establishes or does not establish] that on [date(s)], the Student [description of conduct] in violation of Section [section numbers] of the Student Code of Conduct.

5206-F-12 Board Resolution: Other Offenses Including Criminal Sexual Conduct Against District Student that Occurred Off-Campus without Plea, Conviction, or Adjudication

2. Based on careful consideration of all of the following factors, the Board determines that [expulsion or suspension] [is or is not] warranted:

- The Student's age;
- The Student's disciplinary history;
- Whether the Student has a disability;
- The seriousness of the behavior;
- Whether the behavior posed a safety risk;
- Whether restorative practices are a better option; and
- Whether lesser interventions would address the behavior.

[NOTE: There is a presumption that suspension of greater than 10 days or expulsion is not warranted. That presumption may, however, be rebutted based on the above factors.]

3. [Delete if not applicable] The Student is permanently expelled from the District.

-or-

[Delete if not applicable] The Student is [expelled or suspended] [(number of days) days/until (date)].

-or-

[Delete if not applicable] The Student is not subject to any further disciplinary sanctions and may return to school on [date of reinstatement].

4. [Delete if not applicable] During the time of the [expulsion or suspension], the Student may not be on school grounds or attend any functions at the District without prior written approval from an appropriate administrator.

5. [Delete if not applicable] [In addition to or In lieu of] [expulsion or suspension], the Student must complete the following restorative practices on or before [date for completion of restorative practices]: [List restorative practices]. The Student's failure to complete these restorative practices may result in further disciplinary consequences.

6. [Only use if Board expels student and Board wants to impose reinstatement conditions; otherwise delete] The Student may petition the [Superintendent or Board] for reinstatement no sooner than [date]. Before reinstatement, the Student must [select any/all of the following]:

- demonstrate successful participation in an appropriate counseling program approved by the [Superintendent or Board] that includes both group and individual counseling;
- submit to the [Superintendent or Board] competent and credible evidence from an appropriately licensed and credentialed professional that the Student does not pose a risk of harm to the Student or to others;

5206-F-12 Board Resolution: Other Offenses Including Criminal Sexual Conduct Against District Student that Occurred Off-Campus without Plea, Conviction, or Adjudication

- establish that the Student has not engaged in conduct during the period of expulsion that may be viewed by the [Superintendent or Board] as detrimental to the Student's continued education at the District;
- complete to the satisfaction of the [Superintendent or Board] all recommendations contained in any psychological or counseling report;
- demonstrate to the satisfaction of the [Superintendent or Board] that the Student received educational instruction and cooperatively participated in an educational program during the period of expulsion;
- [Insert other conditions as appropriate].

7. [Include this paragraph only for off-campus criminal sexual conduct against another District student without a plea, conviction, or adjudication]. The District expressly reserves the right to review this matter and impose disciplinary consequences consistent with Revised School Code Section 1311 if the Student enters a plea of guilty or no contest to, or is convicted of or adjudicated for, criminal sexual conduct. See MCL 380.1311(2).

8. [Delete if student is not eligible for or seeking services under the Individuals with Disabilities Education Act] Consistent with the Board's action taken this date, administrators shall promptly meet with the Student's parents/guardians to determine those appropriate educational services to which the Student may be entitled under state and federal law.

9. Consistent with Revised School Code Sections 11a and 1311(1), the Board finds that the interests of the District are served by this resolution.

10. Administrators are directed and authorized to implement all terms of this resolution and are delegated all necessary authority to do so.

5206-F-12 Board Resolution: Other Offenses Including Criminal Sexual Conduct Against District Student that Occurred Off-Campus without Plea, Conviction, or Adjudication

11. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary's Name], Board Secretary

[NOTE: All "notes" and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-13 Letter to Parent/Guardian Following Superintendent Hearing

To be sent on District letterhead

[Date]

[Parent's/Guardian's Name]
[Parent's/Guardian's Address]

Re: Student Discipline

Dear [Parent's/Guardian's Name]:

On [date of hearing], I conducted a hearing to determine whether [Student's Name] committed a violation of the District's Student Code of Conduct and, if so, what the appropriate consequence should be. You and [Student's Name] were given notice at least 3 days before the hearing and were provided an opportunity to submit evidence and provide testimony during the hearing.

Based on a preponderance of the evidence presented at hearing, and after considering factors related to the misconduct, I conclude that [Student's Name]

[Option 1]

did [describe conduct] in violation of Section [section numbers] of the Student Code of Conduct.

Based on the evidence presented at hearing, it is my decision that [Student's Name] will be suspended for [number of days, not to exceed 59] from the date of this letter.

[Include this sentence only if appeals to the Board are expressly permitted under Policy 5206A] You may appeal this decision to the Board by submitting a written appeal within 3 calendar days from the date of this letter.

[Option 2]

did [describe conduct] in violation of Section [section numbers] of the Student Code of Conduct. Based on consideration of the factors related to the misconduct, however, it is my decision that [Student's Name] will not be suspended from school as long as [Student's Name] completes the following restorative practices by [insert date for completion of restorative practices]: [List restorative practices]. If [Student's Name] does not complete the listed restorative practices as required, [Student's Name] may be subject to further discipline, up to and including expulsion.

5206-F-13 Letter to Parent/Guardian Following Superintendent Hearing

[Option 3]

did not [describe conduct] and therefore did not violate the Student Code of Conduct. [Student's Name] will not incur any further disciplinary sanctions and may return to school on [date of return].

[Insert Only if decision is to suspend]

During the suspension, [Student's Name] may not be present on school property without my prior written consent. Further, during the suspension, [Student's Name] may not attend classes or other school functions and may not participate in extracurricular activities.

[Optional: Insert Only if decision is to suspend]

I encourage you to contact [school official's name] to discuss arrangements for alternative educational programming that may be available to [Student Name] during the period of suspension.

If you have any questions, please contact me.

Sincerely,

[Superintendent's Name]
[Superintendent's Phone]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-14 Letter to Parent/Guardian Following Board Hearing

To be sent on District letterhead

[Date]

[Parent's/Guardian's Name]
[Parent's/Guardian's Address]

Re: Student Discipline

Dear [Parent's/Guardian's Name]:

On [hearing date], the District's Board conducted a hearing to determine whether [Student's Name] committed a violation of the Student Code of Conduct and, if so, what the appropriate consequence should be. You and [Student's Name] were given notice at least 3 days before the hearing and were provided an opportunity to submit evidence and provide testimony during the hearing.

Based on a preponderance of the evidence presented at hearing, and after considering factors related to the misconduct, the Board concluded that [Student's Name]

[Option 1]

did [describe conduct] in violation of [section numbers] of the [District's Student Code of Conduct/the Revised School Code].

Based on the evidence presented at hearing, the Board decided that [Student's Name] will be [suspended/expelled] for [number of days/until (date)/permanently]. The decision of the Board is final.

[Option 2]

did [describe conduct] in violation of [section numbers] of the [District's Student Code of Conduct/the Revised School Code]. Based on consideration of the factors related to the misconduct, however, the Board decided that [Student's Name] will not be suspended from school as long as the student completes the following restorative practices by [insert date for completion of restorative practices]: [List restorative practices]. If [Student Name] does not complete the listed restorative practices as required, the student may be subject to further discipline, up to and including expulsion.

[Option 3]

did not violate the Student Code of Conduct or commit an offense requiring suspension or expulsion under the Revised School Code. [Student's Name] will not incur any further disciplinary sanctions and may return to school on [date of return].

5206-F-14 Letter to Parent Following Board Hearing

[Insert only if decision was to suspend/expel]

During the period of [expulsion/suspension], [Student Name] may not be present on school property without my written consent. Further, during the period of [expulsion/suspension], [Student's Name] may not attend classes or other school functions and may not participate in extracurricular activities.

[Insert only if decision was to permanently expel and student possessed weapon/committed criminal sexual conduct on campus/pled guilty or no contest to, was convicted of, or was adjudicated for off-campus criminal sexual conduct against a District student/committed arson on campus/assaulted an employee, volunteer, or contractor (grade 6+).]

Under state law, [Student's Name] is expelled from all Michigan public schools. [He/She] may, however, enroll in an appropriate alternative education program or a strict discipline academy operating under applicable legal standards.

[Insert only if decision was to expel]

Pursuant to state law and Board Policy, [Student's Name] may become eligible for reinstatement. Please see Policy 5206C for a description of the reinstatement process, including timelines for reinstatement petitions.

[Optional: Insert only if decision was to suspend/expel]

I encourage you to contact [School Official's Name] to discuss arrangements for alternative educational programming that may be available to [Student Name] during the period of [expulsion/suspension].

[Insert only if decision was to permanently expel and student possessed weapon/committed criminal sexual conduct on campus/pled guilty of or no contest to, was convicted of, or was adjudicated for off-campus criminal sexual conduct against a District student/committed arson on campus/assaulted an employee, volunteer, or contractor (grade 6+).]

Pursuant to state law, administration will refer [Student's Name] to the county department of Social Services or county community mental health agency within 3 days after the expulsion.

If you have any questions, please contact me.

Sincerely,

[Superintendent's Name]

[Superintendent's Phone Number]

To be sent on District letterhead

[Date]

[Address of DHHS/CMH]

Re: Student Referral – Discipline

Dear [County DHHS/CMH Director's Name]:

As required by the Revised School Code, I am writing to refer [Student's Name] to your agency as required by state law. [Student's Name] and [his\her] parent/guardian may be reached at [telephone number]. Please contact me if you have any questions. I have copied [Parent's/Guardian's Name] on this correspondence to provide notification of this referral as required by law. Please contact [Student's Name] and [Parent's/Guardian's Name] directly for more information.

Sincerely,

[Superintendent's Name]
[Superintendent's Phone Number]

c: [Parent's/Guardian's Name]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-15 Board Resolution: Appointing Reinstatement Committee

[INSERT DISTRICT NAME]

BOARD RESOLUTION APPOINTING REINSTATEMENT COMMITTEE

A [regular or special] meeting of the Board of Education (the “Board”) was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o’clock in the [a.m. or p.m.] (the “Meeting”).

The meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. On [date of expulsion], the Board permanently expelled a student whose identity is known to the Board (the “Student”) for a violation of the Student Code of Conduct and as authorized by the Revised School Code.
2. On [date reinstatement petition filed], the Student submitted a timely petition for reinstatement.
3. The Revised School Code and Board Policy require that not later than 10 school days after receiving a petition for reinstatement, the Board must appoint a committee consisting of 2 school board members, 1 school administrator, 1 teacher, and 1 parent to review the petition and to make a recommendation to the Board on whether to grant, conditionally grant, or deny the petition.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board appoints the following people to serve on the reinstatement committee (the “Committee”):

Board Member 1: _____

Board member 2: _____

School Administrator: _____

Teacher: _____

Parent: _____

5206-F-15 Board Resolution: Appointing Reinstatement Committee

2. The Board appoints _____ to serve as the Committee's chairperson.

3. The Board directs the Superintendent to prepare and submit to the Committee information about the circumstances surrounding the Student's expulsion and any factors for and against reinstatement.

4. The Board encourages the Student and the Student's parents/guardians to submit additional information to the Committee in support of the reinstatement petition.

5. The Board directs the Committee to convene not later than 10 school days from today to review the reinstatement petition and supporting documentation submitted by the Student and parents/guardians and to review the information submitted by the Superintendent. The Committee may request that the Student and the Student's parents/guardians appear in person to answer questions.

6. The Board directs the Committee to prepare and submit to the Board within 10 school days from today a written recommendation whether the Board should unconditionally reinstate the Student, conditionally reinstate the Student, or deny reinstatement to the Student. If the Committee recommends a conditional reinstatement, the Committee shall provide the Board with a suggested list of conditions. The Committee's recommendation shall be based on all of the following factors:

- The extent to which reinstatement would create a risk of harm to other students or personnel;
- The extent to which reinstatement would create a risk of school liability or individual liability for the Board or school personnel;
- The age and maturity of the Student;
- The Student's school record before the incident that caused the expulsion;
- The Student's attitude concerning the incident that caused the expulsion;
- The Student's behavior since the expulsion and the Student's prospects for remediation; and
- The degree of cooperation that the parent/guardian has provided the Student and the degree of cooperation that the parent/guardian can be expected to provide the Student if the Student is reinstated.

7. The Board will consider the Committee's recommendation no later than its next regularly scheduled meeting.

8. The administration is directed and authorized to implement all terms of this resolution and is delegated all necessary authority to do so.

5206-F-15 Board Resolution: Appointing Reinstatement Committee

9. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary's Name], Board Secretary

[NOTE: All "notes" and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-16 Letter to Parent/Guardian: Receipt of Reinstatement Petition

To be sent on District letterhead

[Date]

[Parent's/Guardian's Name]

[Parent's/Guardian's Address]

Re: Reinstatement of [Student's Name]

Dear [Parent's/Guardian's Name]:

The District received [Student's Name]'s petition for reinstatement on [date reinstatement petition filed]. Pursuant to state law and Board policy, a committee to review the petition will be appointed no later than 10 school days from receipt of the petition. Not later than 10 school days after its appointment, the committee will submit a recommendation to the Board of unconditional reinstatement, conditional reinstatement, or against reinstatement.

The committee will consider: (1) the extent to which reinstatement would create a risk of harm to students or staff; (2) the extent to which reinstatement would create a liability risk to the Board or school personnel; (3) the age and maturity of [Student's Name]; (4) [Student's Name]'s school record before the expulsion; (5) [Student's Name]'s attitude concerning the incident that caused the expulsion; (6) [Student's Name]'s behavior since the expulsion, including prospects for remediation; and (7) the degree of cooperation and support that has been and will be provided to [Student's Name] by the parent/guardian.

If there is any additional information you would like the committee to consider, please forward it to me no later than [date]. In addition, the committee may wish to meet with you and [Student's Name] before it provides its recommendation to the Board. A representative of the committee may contact you to arrange such a meeting.

The Board will consider [Student's Name]'s petition and the committee's recommendation at its meeting scheduled for [date] at [time]. You and [Student's Name] are encouraged to attend this meeting and should be prepared to address the Board at the meeting. Under Michigan's Open Meetings Act, you have the right to have the Board deliberate about its decision in closed session and to not disclose personally identifiable information to the public about [Student's Name]. If you would like the Board's deliberations to occur in closed session, please contact me before the scheduled meeting date. The Board's decision is final.

If you have any questions, please contact me.

Sincerely,

[Superintendent's Name]

[Superintendent's Phone Number]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-17 Board Resolution: Reinstatement of an Expelled Student

[INSERT DISTRICT NAME]

BOARD RESOLUTION ON REINSTATEMENT PETITION

A [regular or special] meeting of the Board of Education (the “Board”) was held in the [location], within the boundaries of the District, on the [day] day of [month], [year], at [time] o’clock in the [a.m. or p.m.] (the “Meeting”).

The meeting was called to order by _____, President

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. On [date of expulsion], the Board permanently expelled a student whose identity is known to the Board (the “Student”) for a violation of the Student Code of Conduct and as authorized by the Revised School Code.
2. On [date reinstatement petition filed], pursuant to the Revised School Code and Board policy, the District received a petition for the Student’s reinstatement.
3. Pursuant to the Revised School Code and Board policy, on [date committee appointed], a committee was appointed to review the reinstatement petition (the “Committee”). The Committee was comprised of two board members, one school administrator, one teacher, and one parent.
4. The Committee considered the reinstatement petition and information provided to it by the Student’s parents/guardians and by the Superintendent.
5. Following its review, the Committee made a recommendation to the Board. The Committee’s recommendation was based on consideration of each of the seven factors identified in Revised School Code Sections 1311(6)(e) and 1311a(5)(e).
6. [Include only if the Board convened in closed session to consider the reinstatement petition.] At the request of the Student’s parents, and as authorized by Michigan Open Meetings Act Sections 8(1)(b) and 8(1)(h), the Board convened in a closed session to consider this matter.

5206-F-17 Board Resolution: Reinstatement of an Expelled Student

7. The Board thoroughly reviewed and deliberated upon the Committee's recommendation and independently reviewed and deliberated upon all of the information provided to the Committee and to the Board.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. [If student was expelled for weapon/arson/criminal sexual conduct on campus/plea, conviction, or adjudication for off-campus criminal sexual conduct against district student] Based upon consideration of the seven factors identified in Revised School Code Section 1311(6)(e),

-or-

[If student was expelled for physical assault of employee/volunteer/contractor] Based upon consideration of the seven factors identified in Revised School Code Section 1311a(5)(e),

[Insert one of the following]

the Student's petition for reinstatement is denied.

-or-

the Student's petition for reinstatement is unconditionally granted and the Student may return to school on or after [date].

-or-

the Student's petition for reinstatement is conditionally granted effective [date], subject to the following conditions:

- a. [List Condition]
- b. [List Condition]
- c. [List Condition]
- d. [List Condition]

2. Consistent with Revised School Code Sections 11a and 1311(1), the Board finds that the interests of the District are served by this resolution.

3. [Delete if student is not eligible for or seeking services under the Individuals with Disabilities Education Act] Consistent with the Board's action taken this date, administrators shall promptly meet with the Student's parents/guardians to determine those appropriate educational services to which the Student may be entitled under state and federal law.

4. The administration is directed and authorized to implement all terms of this resolution and is delegated all necessary authority to do so.

5206-F-17 Board Resolution: Reinstatement of an Expelled Student

5. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

The undersigned, duly qualified and acting Secretary to the Board of Education of [School District Legal Name], hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

[Secretary's Name], Board Secretary

[NOTE: All "notes" and highlighting must be deleted before finalizing this resolution.]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-18 Letter to Parent/Guardian: Reinstatement Decision

To be sent on District letterhead

[Date]

[Parent's/Guardian's/Student over Age 18's/Emancipated Minor's Name and Home address]

Re: Reinstatement of [Student's Name]

Dear [Parent's/Guardian's/Student of Age 18's/Emancipated Minor's Name]:

The Board considered [Student's Name]'s petition for reinstatement and the reinstatement committee's recommendation at its [date] meeting. Following careful deliberation, the Board determined that [Student's Name]

[Option 1]

is unconditionally reinstated effective [date of return]. Please contact the District to make arrangements to ensure a smooth transition back to school.

Sincerely,

[Superintendent's Name]
[Superintendent's Phone Number]

[Option 2:]

has been denied reinstatement.

The Board's decision is final. Please contact me if you have any questions.

Sincerely,

[Superintendent's Name]
[Superintendent's Phone Number]

[Option 3:]

is conditionally reinstated. The conditions that the Board imposed are:

a. [List Condition]

5206-F-18 Letter to Parent: Reinstatement Decision

b. [List Condition]

If those conditions are acceptable, please sign the attached form noting your agreement and [Student's Name]'s agreement to abide by those conditions.

I agree that my child and I will abide by the conditions listed above. I understand that my child's reinstatement to school is contingent on satisfaction of the above-listed conditions. Failure to comply with those conditions may result in the immediate revocation of my child's reinstatement.

My signature indicates acceptance of the reinstatement conditions.

Parent's/Guardian's Signature

Parent's/Guardian's Printed Name

Parent's/Guardian's Signature

Parent's/Guardian's Printed Name

I agree to abide by the conditions listed above. I understand that my reinstatement to school is contingent on satisfaction of the above-listed conditions. Failure to comply with those conditions may result in the immediate revocation of my reinstatement.

Student's Signature

Student's Printed Name

If you have any questions, please contact me.

Sincerely,

[Superintendent's Name]

[Superintendent's Phone Number]

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5206-F-19 Due Process - Hearing Rights and Procedures

Right to a Hearing

Before a student is suspended from school for more than 10 school days or is expelled from school, the student has a right to a hearing. The Superintendent conducts hearings for students who have committed an offense that may result in suspension of less than 60 school days. A removal from school for 60 or more school days is an expulsion. The Board conducts hearings for students who have committed an offense that may result in expulsion.

What is a Hearing?

If, after investigating student misconduct, a school administrator determines that a student engaged in misconduct that should result in either a suspension of more than 10 school days or an expulsion, the administrator will refer the matter to either the Superintendent or the Board. Either the Superintendent or the Board will conduct a due process hearing to determine: (1) whether the alleged misconduct occurred, and (2) if so, the appropriate consequence.

The student and his or her parent/guardian will be notified in writing at least 3 calendar days before the hearing. The notice will include: (1) a description of the alleged misconduct; (2) the potential disciplinary consequences that may be imposed; (3) the date, time, and location of the hearing; and (4) an invitation to the student and his or her parent/guardian to attend and participate in the hearing.

During the hearing, school administrators will describe the alleged misconduct and explain the facts related to the misconduct. The student and his or her parent/guardian may present evidence and witnesses to demonstrate that the student did not engage in the alleged misconduct or that suspension or expulsion is not the appropriate consequence. The student and his or her parent/guardian may also present evidence of any mitigating factors that the Superintendent or the Board should consider. The student and his or her parent/guardian may be represented by an attorney or another adult advocate at their cost.

Although the student and his or her parents/guardians are entitled to due process, a student discipline hearing is not a “trial.” The student and his or her parent/guardian do not have the right to compel attendance of witnesses or to “cross examine” witnesses. Typical rules of evidence are not followed. A student’s refusal to answer a question or failure to attend a hearing may be considered by the Superintendent or the Board.

Superintendent Hearing

If, following an investigation, a student is recommended for suspension for more than 10 school days but fewer than 60 school days, the Superintendent will conduct the

5206-F-19 Due Process - Hearing Rights and Procedures

hearing. At least 3 calendar days before the hearing, the Superintendent will provide the student and his or her parent/guardian the written notice described above.

The Superintendent will not suspend the student unless, after the completion of the hearing, the Superintendent is convinced, based on a preponderance of the evidence, that the student committed a violation of the Student Code of Conduct and that, after considering all legally required factors, suspension is the appropriate consequence. The Superintendent will provide written notice of the decision to the student and parent/guardian.

[Optional: Include only if an appeal is permitted in Policy 5206A] The student and his or her parent/guardian may appeal the Superintendent's decision to the Board within 3 calendar days from the date the decision is mailed. The Board will consider the appeal at its next regularly scheduled meeting and will affirm, modify, or reverse the Superintendent's decision. The student's suspension will run while the appeal is pending. The Board will not conduct a new hearing. The Board's decision on appeal is final.

Board Hearing

If, following an investigation, a student is recommended for expulsion, the Board will conduct the hearing. Only the Board may expel a student.

At least 3 calendar days before the Board hearing, the Superintendent or designee will provide the student and his or her parent/guardian the written notice described above.

The hearing will take place at a regular or special Board meeting. The student and his or her parent/guardian may request that deliberations be held in closed session pursuant to Michigan Open Meetings Act section 8(1)(b). The student and his or her parent/guardian must notify the Superintendent before the hearing to request that the deliberations occur in closed session.

The Board will not expel the student unless, after the completion of the hearing, a majority of the Board members are convinced, based on a preponderance of the evidence, that the student committed a violation of the Student Code of Conduct or an offense requiring suspension or expulsion under the Revised School Code and that, after considering all legally required factors, suspension or expulsion is the appropriate consequence. The Superintendent or designee will provide written notification of the Board's decision to the student and his or her parent/guardian. The Board's decision is final.

Students with Disabilities

Suspension or expulsion of a student with a disability is subject to the rights and procedures guaranteed by state and federal law. Except as otherwise authorized by law, a student with a disability may not be suspended for more than 10 consecutive school days or expelled for conduct that is a manifestation of the student's disability.

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5207 *Anti-Bullying Policy*

All types of bullying, including cyberbullying, without regard to subject matter or motivating animus, are prohibited.

A. Prohibited Conduct

1. Bullying, including cyberbullying, a student at school is prohibited. Bullying is any written, verbal, or physical act, or electronic communication that is intended to or that a reasonable person would know is likely to harm one or more students directly or indirectly by doing any of the following:
 - a. substantially interfering with a student's educational opportunities, benefits, or programs;
 - b. adversely affecting a student's ability to participate in or benefit from the District's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
 - c. having an actual and substantial detrimental effect on a student's physical or mental health; or
 - d. causing substantial disruption in, or substantial interference with, the District's orderly operations.
2. Retaliation or false accusations against the target of bullying, anyone reporting bullying, a witness, or another person with reliable information about an act of bullying, are prohibited.

B. Reporting an Incident

If a student, staff member, or other person suspects there has been a bullying incident, the person must promptly report the incident to the building principal or designee, or to the Responsible School Official(s), as defined below.

A report may be made in person, by telephone, or in writing (including electronic transmissions). If a bullying incident is reported to a staff member who is not the building principal, designee, or a Responsible School Official, the staff member must promptly report the incident to the building principal, designee, or a Responsible School Official.

To encourage reporting of suspected bullying or related activities, each building principal, after consulting the Responsible School Official(s), will create, publicize, and implement a system for anonymous reports. The system must emphasize that the District's ability to investigate anonymous reports may be limited.

Complaints that the building principal has bullied a student must be reported to the Superintendent. Complaints that the Superintendent has bullied a student must be reported to the Board President.

C. Investigation

All bullying complaints will be promptly investigated. The building principal or designee will conduct the investigation, unless the building principal or Superintendent is the subject of the investigation. If the building principal is the subject of the investigation, the Superintendent or designee will conduct the investigation. If the Superintendent is the subject of the investigation, the Board President will designate a neutral party to conduct the investigation.

A description of each reported incident, along with all investigation materials and conclusions reached, will be documented and retained.

D. Notice to Parent/Guardian

If the investigator determines that a bullying incident has occurred, the District will promptly notify the victim's and perpetrator's parent/guardian in writing.

E. Annual Reports

At least annually, the building principal or designee, or the Responsible School Official, must report all verified bullying incidents and the resulting consequences, including any disciplinary action or referrals, to the Board.

The District will annually report incidents of bullying to MDE in the form and manner prescribed by MDE.

F. Responsible School Official

The Superintendent is the "Responsible School Official" for this Policy and is responsible for ensuring that this Policy is properly implemented. This appointment does not reduce or eliminate the duties and responsibilities of the building principal or designee as described in this Policy.

G. Posting/Publication of Policy

The Superintendent or designee will ensure that this Policy is available on the District's website and incorporated into student handbooks and other relevant school publications.

The Superintendent or designee will submit this Policy to the MDE within 30 days after its adoption.

H. Definitions

1. "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether it is held on school premises. "At school" also includes any conduct

using a telecommunications access device or telecommunications service provider that occurs off school premises if the device or provider is owned by or under the control of the District.

2. "Telecommunications access device" means any of the following:
 - a. any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device defined in MCL 750.157m (e.g., an electronic funds transfer card, a credit card, a debit card, a point-of-sale card, or any other instrument or means of access to a credit, deposit, or proprietary account) that alone or with another device can acquire, transmit, intercept, provide, receive, use, or otherwise facilitate the use, acquisition, interception, provision, reception, and transmission of any telecommunications service; or
 - b. any type of instrument, device, machine, equipment, technology, or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting, or receiving any telephonic, electronic, data, internet access, audio, video, microwave, or radio transmissions, signals, telecommunications, or services, including the receipt, acquisition, interception, transmission, retransmission, or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system, or facility, or any part, accessory, or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device, transponder, receiver, modem, electronic mechanism or other component, accessory, or part of any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition, or reception of any telecommunications, transmissions, signals, or services.
3. "Telecommunications service provider" means any of the following:
 - a. a person or entity providing a telecommunications service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging, or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunications service;
 - b. a person or entity owning or operating any fiber optic, cable television, satellite, internet based, telephone, wireless, microwave, data transmission, or radio distribution system, network, or facility; or
 - c. a person or entity providing any telecommunications service directly or indirectly by or through any distribution systems, networks, or facilities.

Legal authority: MCL 380.1310b; MCL 750.157m, 750.219a

Date adopted: December 13, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5208 Student Acceptable Use and Internet Safety Policy

Student use of District technology is a privilege, not a right, and is governed by Policy 3116 and the applicable acceptable use agreement. A student's failure to comply with Policy 3116 and the applicable acceptable use agreement may result in discipline or loss of technology privileges.

Students have no expectation of privacy in or right to continued use of District technology resources.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5209 Student Use of Cell Phone and Electronic Communication Devices

Students may use cell phones or other electronic devices while at school, so long as they do so safely, responsibly, and respectfully, and comply with all other school rules while using the devices.

Students are personally and solely responsible for the security of their cell phones and other electronic devices. The District is not responsible for theft, loss, or damage of any cell phone or other electronic device.

Students may not use cell phones or other electronic devices while they are in locker rooms, restrooms, or any other area in which others may have a reasonable expectation of privacy.

Taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal photographs, video, audio, or other similar data, whether by electronic data transfer or otherwise (including via cell phone or other electronic device), may constitute a crime under state or federal law. A student engaged in any of these activities at school, at a school event, or on school-provided transportation, may be subject to discipline pursuant to this Policy and the student code of conduct. A student engaged in any of these activities outside of school may be disciplined if the student's activities substantially disrupt or negatively affect the school environment.

The Superintendent, building principals, and teachers are authorized to develop building-level and classroom rules for students' use of cell phones and other electronic devices. Those rules must be clearly communicated to students. A student who violates the rules or this Policy are subject to corrective or disciplinary action, consistent with Policy and the student code of conduct.

School administrators and teachers may confiscate a student's cell phone or other electronic device if the student's use or possession of a cell phone or electronic device violates this Policy, the student code of conduct, or any applicable building or classroom rule. The building principal or designee may require a meeting with the student's parent/guardian to discuss the rule violation before returning the cell phone or electronic device.]

Students who violate this Policy are subject to corrective or disciplinary action, consistent with Policy and the student code of conduct.

Legal authority: MCL 380.1303(2)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5210 *GPS Tracking Device with Audio Surveillance Capabilities*

A student may possess a GPS tracking device with audio surveillance capabilities at school only if the parent/guardian disables the device's audio surveillance capabilities during the school day while the student attends school, subject to the following provisions:

- A. The student's parent/guardian must sign an agreement that the device's audio surveillance capabilities will be disabled during the school day, which includes transportation to and from school.
- B. The student's parent/guardian must direct the device manufacturer to promptly notify the building principal or designee if the audio surveillance capabilities are enabled during the school day.
- C. Any use of the device's audio surveillance capabilities during the school day is prohibited, except in an emergency involving the student's health, safety, or welfare.

Violation of this Policy will result in consequences, including but not limited to the device being confiscated or prohibited at school. If the device is confiscated, it will be returned to the student's parent/guardian after confirmation that the device's audio surveillance capabilities have been disabled and no recordings have been made. A confiscated device will be labeled with the student's name and held in a secure location until returned to the student's parent/guardian.

The following definitions apply to this Policy:

- A. "GPS tracking device" means a device other than a cell phone which allows a parent/guardian to remotely track the location of a child using the Global Positioning System (GPS) or similar technology that can pinpoint longitude, latitude, ground speed, and course direction of the target.
- B. "Audio surveillance capability" means the ability of a device to remotely listen, overhear, record, amplify, or transmit audio occurring in one location to another device in another location or which has a voice monitoring or two-way call feature.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5211 Emergency Use of Seclusion and Restraint

The Board adopts MDE's Policy for the Emergency Use of Seclusion and Restraint, as approved and amended by the Michigan State Board of Education and MDE. Consistent with MDE policy, the Board directs all District personnel to use positive behavior interventions and supports to enhance the academic and social behavior outcomes of all students.

In accordance with state law and MDE policy, the use of emergency seclusion and emergency physical restraint is a last resort intervention that may be used only when a student's behavior poses an imminent risk to the safety of the student or others and an immediate intervention is required. Any use of emergency seclusion or emergency physical restraint must be consistent with state law, MDE policy, and MDE guidelines.

The Board directs the Superintendent to ensure that all District personnel receive training pursuant to MDE policy.

Legal authority: MCL 380.1307 et seq.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5212 Registered Sex Offenders

Inclusion on the state's sex offender registry alone is not a sufficient basis to exclude a student from school. The District reserves the right, consistent with Policy 5411, to determine the educational placement of a student who is listed on the state's sex offender registry.

For a student who is listed on the state's sex offender registry, the building principal may establish a safety plan, which may include excluding the student from extracurricular activities.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5200 Student Conduct and Discipline

5213 Personal Protection Orders Against Students

If a student obtains a personal protection order against another student in the same building, either student's parent/guardian should notify the building principal and provide a copy of the order. The building principal or designee may work with the families to change class schedules, lockers, lunch assignments, or bus assignments of either student. While the District will seek to work collaboratively with both families, the District will not enforce a personal protection order to which the District is not a party.

The existence of a personal protection order does not diminish a student's rights under the Individuals with Disabilities Education Act.

The existence of a personal protection order alone is not a sufficient basis to exclude a student from school. The District reserves the right, consistent with Policy 5411, to determine the educational placement of a student who is the subject of a personal protection order.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5301 *Compulsory Attendance, Absenteeism, and Truancy*

A. Required Attendance

Every person residing in the District who has legal or actual charge or control of a child who is of mandatory attendance age must ensure that the child regularly attends a public or private school or is receiving a home-school education unless the child has satisfied District graduation requirements or is otherwise exempt from Michigan's compulsory attendance requirements.

B. Mandatory Attendance Age

A child who is or will turn 6 years old before December 1 of the current school year and who has not turned 18 years old is of mandatory attendance age.

C. Exceptions

A parent/guardian of a child who is at least 16 years old may provide the District with written notice that the child has permission to stop attending school. Upon receipt of the written notice, the child will be exempt from this Policy.

D. Excused Absences

The following absences will be considered excused if they are confirmed by communication to the school from the student's parent/guardian:

- the student's physical or mental illness (a physician's verification is required after 4 consecutive days of absence for illness);
- severe weather;
- medical appointments for the student;
- death or serious illness of the student's family member;
- attendance at a funeral, wedding, or graduation;
- appearance at court or for other legal matters;
- observance of religious holidays of the student's own faith;
- college planning visits; and
- personal or family vacations.

E. Excessive Absenteeism and Truancy

When a student has 10 absences during the school year, the building principal or designee will provide written notice to the student's parent/guardian encouraging the student's regular daily attendance and explaining the truancy process.

If the Superintendent or designee determines that a student is repeatedly absent from school without valid excuse, is failing, or has behavior problems, and attempts to confer with the student's parent/guardian have not been successful, the Superintendent or designee may request the attendance officer who has jurisdiction in the District to send notice to the parent/guardian requiring the parent/guardian to meet with District personnel to discuss the matter.

When a student has 20 or more absences during the school year, the building principal or designee will notify the attendance officer who has jurisdiction in the District. Once notified, the attendance officer will investigate each case of nonattendance and will take all other steps permitted and required by law.

The building principal or designee may impose additional consequences for excessive absenteeism, consistent with the student handbook or published grading procedures.

Legal authority: MCL 380.1561 et seq.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5302 Enrollment in Kindergarten

A child must be at least 5 years old on or before December 1 of the school year to enroll in kindergarten. A child who will turn 5 years old after September 1 and on or before December 1 of the school year may only enroll in kindergarten if the child's parent/guardian provides written notice to the District. In that circumstance, the Superintendent or designee may recommend to the parent/guardian that the child is not ready to enroll in kindergarten. Regardless of this recommendation, the parent/guardian retains sole discretion to enroll the child in kindergarten, so long as the child will turn 5 years old on or before December 1.

A child who will not turn 5 years old on or before December 1 of the school year may not enroll in kindergarten without the express written authorization of the Superintendent, whose decision is final. The District may charge tuition in that instance.

Legal authority: MCL 380.1147

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5303 Student Enrollment and Withdrawal

A. Student Enrollment

The District will enroll a student who is:

- a legal resident of the District or otherwise entitled by Michigan law to enroll in the District;
- under court jurisdiction and is placed in foster care if the Department of Health and Human Services or a child placing agency determines that the child should be enrolled in the District, regardless of residency;
- eligible to enroll as a schools-of-choice student under these Policies and Michigan law;
- the resident of another district with the consent of the resident district if, in the Superintendent's discretion, the student should be enrolled;
- the resident of another district as permitted and authorized by law if, in the Superintendent's discretion, the student should be enrolled;
- homeless, if the student has a right to enroll in the District pursuant to applicable law and Policy 5307;
- the child of a custodial parent/guardian assigned to active duty military service if the child's noncustodial parent/guardian or person serving *in loco parentis* for the child resides in the District and the child's custodial parent/guardian has provided a legally valid power of attorney;
- approved as a foreign exchange student pursuant to Policy 5306;
- a legal resident of a district that has contracted with the District for the student's educational services; or
- legally entitled to attend the District on a part-time basis.

The District may independently verify a student's residency status or eligibility for enrollment.

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

- a copy of the student's birth certificate; or
- other reliable proof of the student's identity and age and an affidavit explaining the inability to produce a copy of the student's birth certificate.

If the required documentation is not timely provided, the District will, after providing 30 calendar days' notice to the person enrolling the student, refer the matter to local law enforcement. The District will immediately report to law enforcement any affidavit that appears inaccurate or suspicious.

As a condition of enrollment, a person enrolling a student must provide documentation of the student's required immunizations or a valid immunization waiver pursuant to Policy 5713. Failure to submit the required documentation will result in the student's exclusion from school.

Within 14 calendar days after a transfer student enrolls, the building principal or designee must send a written request to the student's previous school requesting a copy of the student's school record.

A student who is or will be 20 years old on September 1 of the school year, or who has earned a high school diploma or GED, may not enroll in or continue to attend school in the District, except for a student with a disability, a student enrolling in an approved adult education or dropout recovery program, or when otherwise required by law.

Except for a student with a disability or a student enrolling in an approved early childhood program, a student who will not be 5 years old on December 1 of the school year may not enroll in or attend school in the District without the Superintendent's express written permission. See Policy 5302 for more information on kindergarten enrollment.

A student's placement, including building assignment and grade level, will be determined pursuant to Policy 5411.

B. Student Withdrawal

The District will disenroll a student upon receipt of either written notice from a parent/guardian of intent to withdraw or a records request from another school. If at the time of receipt of a notice of disenrollment there are pending disciplinary proceedings against the student involving potential suspension or expulsion, the District may elect to complete those proceedings.

Legal authority: MCL 380.1135, 380.1147, 380.1148, 380.1148a

Date adopted: November 8, 2021

Date revised:

5303-F-1 Student Enrollment Form

Most recent school's address: _____
Street Address

City State Zip Code

Residency Information

Street Address

City State Zip Code

Residence within District Boundaries Residence not within District Boundaries

District of residence (if non-resident): _____

Proof of Residency (Residents: Please attach copies of 2 of the following documents to this Enrollment Form. Check the documentation you have attached.):

State issued ID Utility Bill Lease Agreement Mortgage Statement

Property Tax Payment Other: _____

Special Education Information

Does the Student currently receive special education or other support services? Yes No

Does your child have an IEP? Yes No

Does your child have a 504 Plan? Yes No

Does your child have a health plan? Yes No

Parent/Guardian Contact Information (This is NOT emergency contact information)

Parent/Guardian 1

Name: _____

Street Address

City State Zip Code

Home Phone: _____ Cell Phone: _____

5303-F-1 Student Enrollment Form

Work Phone: _____ Email: _____

Legal Parent/Guardian? Yes No

Custodial Parent/Guardian? Yes No

Currently serving in the United States Military? Yes No

Receive separate mailing from Parent/Guardian 2? Yes No

Parent/Guardian 2

Name: _____

Street Address

City

State

Zip Code

Home Phone: _____ Cell Phone: _____

Work Phone: _____ Email: _____

Legal Parent/Guardian? Yes No

Custodial Parent/Guardian? Yes No

Currently serving in the United States Military? Yes No

Receive Separate Mailing from Parent/Guardian 1? Yes No

I certify that the above information is true and accurate to the best of my knowledge. I agree to provide the required immunization documentation, proof of Student identity, and proof of residency in accordance with the requirements established on this Enrollment Form, Board Policy, and State law.

Parent/Guardian Signature

Date

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5304 Nonpublic School Students; Part-Time Attendance

A resident student who attends a nonpublic school or who is home-schooled and who otherwise meets the enrollment requirements in Policies 5302 and 5303, has the right to enroll in nonessential elective courses (including co-curricular activities associated with those courses) that the District provides to public school students in the same grade level or age group. The District may provide instruction in nonessential elective courses to students at a nonpublic school site, consistent with state law and subject to constitutional constraints, so long as comparable instruction is provided to public school students in the same grade level or age group. The District may also permit nonresident, home-schooled and nonpublic school students to enroll in nonessential elective courses that the District provides to students in the same grade level or age group consistent with state law and subject to constitutional constraints.

A nonpublic, part-time student, regardless of residency and instructional location, is subject to the same course requirements and prerequisites that apply to all other District students.

A nonpublic, part-time student is subject to all District rules and applicable student codes of conduct.

The District is not required to provide transportation to a nonpublic, part-time student.

The Superintendent or designee must ensure that all courses and related optional experiences offered or provided to nonpublic, part-time students satisfy the requirements of state and federal law and applicable provisions of the Michigan Pupil Accounting Manual.

Legal authority: MCL 388.1766b

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5305 Schools-of-Choice

The Board will annually determine whether the District will accept schools-of-choice students who reside in the same ISD in which the District is located, who reside within an ISD contiguous to the ISD in which the District is located, or both. If the Board determines that schools-of-choice students will be accepted for enrollment, the Board will establish the grades, schools, and programs in which they may enroll and the number of schools-of-choice students the District will accept for each open grade, school, or program.

If the Board determines that the District will accept schools-of-choice students, the Superintendent or designee will ensure that applicable provisions of state law are followed, including, without limitation:

- A. publishing the grades, schools, and programs for which the District will accept schools-of-choice applicants;
- B. establishing an application period of at least 15 and no more than 30 calendar days if the Board has limited the number of schools-of-choice students who may enroll in a grade, school, or program;
- C. selecting students who may enroll in the following manner:
 1. the Superintendent or designee must give preference to an applicant who resides in the same household as a student already enrolled in the District;
 2. the Superintendent or designee may refuse to enroll a student who has been suspended from another school in the preceding 2 years or who has ever been expelled from another school or convicted of a felony;
 3. the Superintendent or designee will require that schools-of-choice students meet the same criteria that a resident student must meet to enroll in a grade or specialized/magnet school or program;
 4. if, after applying the enrollment preferences and exclusions described in this Policy, there are more applicants than spots available in a particular grade, school, or program, the Superintendent or designee will select students based on a random draw lottery;
 5. except as otherwise stated in this Policy, the Superintendent or designee may not make enrollment decisions based on any other factors.
- D. following all notice and timeline requirements;
- E. allowing a student who has enrolled as a schools-of-choice student to continue to enroll in the District until the student graduates, enrolls in another school, drops out of school, or is expelled from school;

F. requesting records from a student's previous district.

Before enrolling a student who resides outside of the ISD in which the District is located and who has been identified as a child with a disability under the Individuals with Disabilities Education Act, the Superintendent or designee will attempt to enter into a cost-sharing agreement with the student's resident district. If the District and the student's resident district fail to reach a cost-sharing agreement, the student will not be enrolled in the District.

If the District receives a request from another district for records about a resident student's schools-of-choice application, the Superintendent or designee will promptly respond to the request.

The Superintendent or designee may pursue all available legal options, including referral to law enforcement, against any person who provides false or misleading information on a schools-of-choice application.

Students not eligible to enroll pursuant to this Policy may only enroll consistent with Policy 5303.

Legal authority: MCL 388.1705, 388.1705c

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5306 Foreign Students

The District will not deny enrollment to resident students or otherwise discriminate against students based on immigration or visa status. All resident students, regardless of immigration or visa status, who otherwise meet Policy 5303's requirements may enroll in the District.

A student seeking to enroll in the District should verify that the student's enrollment will comply with federal laws, regulations, and guidance applicable to the student's immigration or visa status. Failure to do so may negatively impact the student's immigration or visa status.

A student with an F-1 visa who enrolls in the District in compliance with federal law must reimburse the District the full, unsubsidized per capita cost of providing education at the District for the period of the student's attendance.

A student with a J-1 visa who is sponsored by a formal student exchange program may enroll in the District without paying tuition if the student's host family resides in the District and the student otherwise meets the requirements of state and federal law and Policy 5303.

Nothing in this Policy should be construed to require the District to facilitate a student's visa.

Foreign students are subject to all laws, Board Policies, rules, behavioral expectations, and applicable student codes of conduct.

Legal authority: 8 USC 1184(m); MCL 380.1401; *Plyler v Doe*, 457 US 202 (1982); OAG, No. 6316, p 151 (September 25, 1985)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5307 Homeless Students

A. General Policy

The District will provide a free public education to homeless children and youth who are in the District and afford them the educational rights and legal protections provided by federal and state law. Homeless children and youth will not be stigmatized or segregated based on their homeless status and will have the same access to services offered to students who are not homeless. It is the intent of this Policy to remove barriers to the enrollment and retention of homeless students in the District.

B. Homeless Liaison

The homeless liaison will coordinate services to ensure that homeless children and youth enroll in school and have the opportunity to succeed. The liaison will also coordinate and collaborate with state homeless coordinators, community agencies, and District personnel responsible for the provision of education and related services to homeless children and youth, including unaccompanied youth. A student or parent/guardian in a homeless situation who requires assistance should contact the District's homeless liaison:

JOSHUA ROTHWELL, SUPERINTENDENT
7741 SHIPPY RD SW FIFE LAKE, MI 49633
(231)369-4191

JROTHWELL@FORESTAREA.ORG

The liaison's responsibilities include ensuring that:

1. homeless children and youth are identified by District personnel through outreach and coordination activities with other entities and agencies;
2. homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, the District's schools;
3. homeless families and homeless children and youth have access to and receive educational services for which the families and students are eligible, including Head Start, early intervention services under Part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District;
4. homeless families and students receive referrals to health care, dental services, mental health and substance abuse services, housing services, and other appropriate services;

5. parents/guardians of homeless children and youth, and unaccompanied youth, are informed of the educational and related opportunities available to their students and are provided with meaningful opportunities to participate in their student's education;
6. public notice of the educational rights of homeless children and youth is disseminated in locations frequented by parents/guardians of homeless children and youth, and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents/guardians of homeless children and youth, and unaccompanied youth;
7. enrollment disputes involving homeless children and youth are resolved as quickly as possible after receiving notice of the dispute and in accordance with any applicable state or District procedures;
8. parents/guardians of homeless children and youth, and unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school that is selected;
9. District personnel providing services to homeless children and youth receive professional development and other support to assist in meeting the educational and related needs of homeless students;
10. unaccompanied youths who are enrolled in school have: (a) opportunities to meet the same challenging state academic standards as children and youth who are not homeless; (b) appropriate secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school; (c) access to counselor services and supports to prepare for and improve college readiness; and (d) notice of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the liaison to receive verification of that status for Free Application for Federal Student Aid (FAFSA) purposes; and
11. performance of any other duties identified in this Policy and applicable federal laws or state guidelines governing the homeless liaison's duties.

The homeless liaison will participate in relevant professional development and other technical assistance activities as part of the liaison's duties and may work with other District personnel to accomplish the responsibilities described in this Policy.

C. Definitions

1. "Homeless children and youth" means persons who lack a fixed, regular, and adequate nighttime residence and includes children and youth who:

- a. are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - b. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - c. are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - d. are migratory children who qualify as homeless because they are living in circumstances described above.
2. “Child” and “youth” refers to persons who, if they were children of residents of the District, would be entitled to a free education.
 3. The term “unaccompanied youth” means a homeless child or youth not in the physical custody of a parent/guardian.
 4. “School of origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

D. District’s Obligation

In the best interest of a homeless child or youth, the District generally will:

1. continue the child’s or youth’s education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year and for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
2. enroll the child or youth in any public school that students who are not homeless who live in the attendance area in which the child or youth is actually living are eligible to attend.

E. School Stability

In determining the best interest of a homeless student, the District will presume that keeping a homeless child or youth in the student’s school of origin is in the student’s best interest unless it is contrary to the request of the student’s parent/guardian, or in the case of an unaccompanied youth, the youth. In determining the school placement of a homeless child or youth, the District will also consider factors related to the impact of mobility on the homeless child or youth’s achievement, education, health, and safety, giving priority to the parent’s/guardian’s or the unaccompanied youth’s request. In the case of an unaccompanied youth, the District will assist in placement or enrollment decisions and will give priority to the unaccompanied youth’s views.

If, after consideration of the presumption and factors above, the District determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent/guardian or unaccompanied youth, the District will provide written explanation of the reasons for its determination in a manner and form understandable to the parent/guardian or unaccompanied youth, including information about the right to appeal.

F. Immediate Enrollment

The District will immediately enroll homeless children and youth, including unaccompanied youth, even if they are unable to produce records normally required for enrollment such as previous academic records, immunization records, residency documents, birth certificates, or other documentation or the child or youth has missed application or enrollment deadlines. The District will immediately contact the school last attended by the student to obtain relevant academic and other records. The District's homeless liaison will assist in obtaining any necessary immunizations or screenings or immunization or other required health records.

G. Comparable Services

The District will provide homeless children and youth services that are comparable to those offered to students who are not homeless, including transportation services, Title I services, programs and services for students with disabilities under IDEA and Section 504, career and technical education, programs for gifted and talented students, programs for English learners, and school nutrition programs.

H. Transportation

Transportation will be provided to homeless students to the extent required by law and will be comparable to that provided to students who are not homeless. At the request of the parent/guardian (or for an unaccompanied youth, the liaison), transportation will be provided to and from the school of origin as follows:

1. If the homeless child or youth continues to live in the area served by the District, the child's or youth's transportation to and from the school of origin will be provided or arranged by the District.
2. If the homeless child's or youth's living arrangements in the area served by the District terminate and the child or youth begins living in an area served by another school district, the District and the other school district in which the homeless child or youth is living must agree on a method to apportion the responsibility and costs for providing the homeless student with transportation to and from the District. If the districts are unable to agree, the responsibility and cost for transportation will be shared equally.

I. Records

The District will maintain and respond to requests for enrollment records for homeless children or youth consistent with Policy 5309 and state and federal

record laws. Any information about a homeless child's or youth's living situation will be treated as a confidential education record and not directory information.

J. Dispute Resolution

If a dispute arises about a homeless student's eligibility, school selection, or enrollment, the homeless student, including an unaccompanied youth, must be immediately enrolled and served in the school in which enrollment is sought, pending final resolution of the dispute.

A complainant should contact the District's homeless liaison who will follow MDE-approved District dispute resolution processes or MDE dispute resolution/complaint procedures to quickly resolve the dispute.

Legal authority: 42 USC 11431 et seq.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5308 Protection of Pupil Rights

A. Surveys, Analyses, and Evaluations

Parents/guardians may inspect any survey created by a third party before that survey is administered or distributed to their student. All survey inspection requests must be made in writing to the building principal before the survey's scheduled administration date.

The District must obtain written consent from a student's parent/guardian before the student is required to participate in a survey, analysis, or evaluation funded, in whole or in part, by the U.S. Department of Education that would reveal sensitive information. For all other surveys, analyses, or evaluations that would reveal sensitive information about a student, the District will provide prior notice to the student's parent/guardian and an opportunity for the parent/guardian to opt their student out.

Employees may not request or disclose the identity of a student who completes a survey, evaluation, or analysis containing sensitive information.

"Sensitive information" includes:

- political affiliations or beliefs of the student or the student's parent/guardian;
- mental or psychological problems of the student or the student's family;
- sexual behavior or attitudes;
- illegal, anti-social, self-incriminating, or demeaning behavior;
- critical appraisals of other persons with whom the student has close family relationships;
- legally recognized privileges or analogous relationships, such as those with lawyers, physicians, and ministers;
- religious practices, affiliations, or beliefs of the student or the student's parent/guardian; or
- income (other than that required by law to determine eligibility for participating in a program or for receiving financial assistance under that program).

B. Invasive Physical Examinations

Parents/guardians may refuse to allow their students to participate in any non-emergency, invasive physical examination or screening that is: (1) required as a

condition of attendance, (2) administered and scheduled by the District, and (3) not necessary to protect the immediate health and safety of a student.

“Invasive physical examination” means:

1. any medical examination that involves the exposure of private body parts; or
2. any act during an examination that includes incision, insertion, or injection into the body that does not include a hearing, vision, or scoliosis screening.

C. Collection of Student Personal Information for Marketing

No employee will administer or distribute to students a survey or other instrument for the purpose of collecting personal information for marketing or selling that information.

“Personal information” means individually identifiable information that includes:

1. student’s and parents’/guardians’ first and last name;
2. home or other physical address;
3. telephone number; or
4. Social Security Number.

This Policy does not apply to the collection, disclosure, or use of personal information for the purpose of providing educational services to students, such as:

1. post-secondary education recruitment;
2. military recruitment;
3. tests and assessments to provide cognitive, evaluative, diagnostic, or achievement information about students; or
4. student recognition programs.

D. Inspection of Instructional Material

Parents/guardians may inspect instructional material consistent with Policy 5401.

E. Notification of Rights and Procedures

The Superintendent or designee will notify parents/guardians of:

1. this Policy and its availability upon request;
2. how to opt their child out of participation in activities as provided for in this Policy;
3. the approximate date(s) when a survey, evaluation, or analysis that would reveal sensitive information is scheduled or expected to be scheduled;

4. the approximate date(s) when the District or its agents intend to administer a non-emergency, invasive physical examination or screening required as a condition of attendance (except for hearing, vision, or scoliosis screenings); and
5. how to inspect any survey or other material described in this Policy.

This notification will be given to parents/guardians at least annually at the beginning of the school year and within a reasonable period after any substantive change to this Policy.

Parents/guardians who believe their rights have been violated may file a complaint with:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Legal authority: 20 USC 1232h

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5308-F Protection of Pupil Rights

PPRA Notice and Consent/Opt-Out

The Protection of Pupil Rights Amendment (PPRA) requires that the District notify you and obtain your consent, or allow you to opt your student out of, participating in any school survey, analysis, or evaluation that involves one or more of the following 8 subjects (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom the student has close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student’s parents; or
8. Income, other than as required by law to determine program eligibility.

The notification and opt-out requirement also applies to the collection, disclosure, or use of a student’s personal information for marketing purposes (“marketing surveys”) and certain physical exams and screenings.

Below is a list of the protected information or marketing surveys that require parental notice and consent or opt-out for the upcoming school year. You have the right to review a protected information or marketing survey before it is given to your student to determine whether you want your student to participate. If you want to review materials that will be used in a protected information or marketing survey please submit your request to [\[Insert school position/title\]](#) at [\[Insert address\]](#). The [\[Insert District position/title\]](#) will let you know where and when you may review those materials.

If the District schedules a protected information or marketing survey after the school year starts, the District will notify you within a reasonable amount of time and give you an opportunity to consent or opt your student out. The District also will give you an opportunity to review the newly scheduled surveys or instructional materials.

5308-F Protection of Pupil Rights

Sample disclosure list of surveys/activities

Surveys/Analyses/Evaluations funded by the U.S. Department of Education

- *Provide approximate dates, grades of students affected, summary of survey/activity*
- *Parents/guardians must be notified of survey/analysis/evaluation and must consent in writing*

I [Parent/Guardian Name] allow my student, [Student's Name], to take the [Insert name and description of survey] on or about [date].

Parent/Guardian signature

Please return this form no later than [insert date] to the following school official:

[Insert position/title and mailing address]

Surveys not funded by the U.S. Department of Education

- *Provide approximate dates, grades of students affected, and summary of survey/activity.*
- *Parents must be notified of survey/analysis/evaluation and have right to opt out.*

Contact [school official] at [telephone number, email, address, etc.] no later than [insert date] if you do not want your student to participate in this survey/activity.

Activities involving collection/disclosure/use of student directory information for marketing

- *Provide approximate dates, grades of students affected, and summary of survey/activity.*
- *Parents must be notified of survey/analysis/evaluation and have right to opt out.*

Contact [school official] at [telephone number, email, address, etc.] no later than [insert date] if you do not want your student to participate in this survey/activity.

Non-emergency, invasive physical exam or screening (administered by school but not necessary to protect immediate health or safety of student)

- *Provide approximate dates, grades of students affected, and summary of activity.*
- *Parents must be notified of activity and have right to opt out.*

Contact [school official] at [telephone number, email, address, etc.] no later than [insert date] if you do not want your student to participate in this activity.

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5309 Student Records and Directory Information

The District may collect, retain, use, and disclose student education records consistent with state and federal law.

A. Definitions

1. An “education record” is a record directly related to a student that the District or its agents maintain, except that an education record does not include:
 - a. records kept in the maker’s sole possession that are used as a personal memory aid and that are not accessible or revealed to any person except a temporary substitute for the maker;
 - b. records maintained by a law enforcement unit of the District, as defined by the Family Educational Rights and Privacy Act (FERPA), if the record was created for a law enforcement purpose;
 - c. records relating to a student who is at least 18 years old that are created or maintained by a psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity that are created or maintained only for the student’s treatment (exclusive of remedial educational activities or educational activities that are part of the District’s instructional program) and that are disclosed only to persons providing treatment (except that the records may be personally reviewed by a physician or other appropriate professional of the student’s choice);
 - d. records created or received by the District after a person is no longer a student in the District and that are not directly related to the person’s attendance as a student in the District;
 - e. grades on peer-graded papers or assignments before they are collected or recorded by a teacher; or
 - f. records relating to a person employed by the District that are maintained in the normal course of business, relate only to the person’s employment, and are not available for any other purpose. Records relating to a person employed as a result of that person’s status as a student are, however, “education records.”
2. “Personally identifiable information” means a student’s name; the name of a student’s parent/guardian or family member; the student’s address or the address of a family member; a personal identifier, such as the student’s social security number, student number, or biometric record; other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; other information that alone or in combination is linked or linkable to a specific

student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

3. "Directory information" is the information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates the following as directory information:
 - a. student names, addresses, and telephone numbers;
 - b. photographs, including photographs and videos depicting a student's participation in school-related activities and classes;
 - c. date and place of birth;
 - d. major field of study;
 - e. grade level;
 - f. enrollment status (e.g., full-time or part-time);
 - g. dates of attendance (e.g., 2013-2017);
 - h. participation in officially recognized activities and sports;
 - i. weight and height of athletic team members;
 - j. degrees, honors, and awards received; and
 - k. the most recent educational agency or institution attended.

The Board further designates District-assigned student email addresses as directory information for the limited purposes of: (1) facilitating the student's participation in and access to online learning platforms and applications; and (2) inclusion in internal school and District email address books.

B. Collection and Retention of Records

School officials may collect and retain information about the District's students that is reasonably necessary for the District to perform its role as a public school district, including, without limitation, student work samples, assessments, evaluations, surveys, health and medical information, immunization records, birth certificates, proof of residence, proof of achievements and awards, behavior records, investigation reports, incident reports, attendance records, all records necessary for the District to satisfy state or federal legal obligations, and any record necessary for the District to prove that a student was accurately counted in membership for state aid and grant purposes.

The Superintendent or designee will ensure that all student records are retained consistent with the Records Retention and Disposal Schedule for Michigan Public Schools and Policy 3502 and that reasonable steps (including, without limitation, physical or technological controls) are taken to protect education records, including those stored electronically, from inadvertent or unauthorized disclosure.

C. Right to Inspect and Review Education Records

Parents/guardians may inspect and review their minor child's education records, regardless of custody status, unless a court order specifically provides otherwise.

Parents/guardians may also inspect and review the education records of an "eligible student" if the student is considered a dependent under Internal Revenue Code Section 152. An "eligible student" means a student who is at least 18 years old, an emancipated minor, or a student enrolled in a postsecondary institution. Eligible students have the right to inspect and review their own education records.

The District will not disclose a student's or parent's/guardian's phone number or address or the parent's/guardian's employment address to another person who is the subject of a court order that prohibits disclosure of the information if the District has received a copy of the order. The District will not disclose a confidential address, phone number, or email address in violation of the Address Confidentiality Program Act if the student or the student's parent/guardian notifies the District that the student or the student's parent/guardian has obtained a participation card issued by the department of attorney general.

The District will make arrangements for a parent/guardian or eligible student to inspect and review the student's education records within a reasonable time from receiving a request and not more than 30 calendar days from the date of the request or, if the student whose records are requested is a child with a disability as defined by the Individuals with Disabilities Education Act, before any Individualized Education Program Team meeting, resolution meeting, or due process hearing.

D. Right to Request Explanation or Interpretation of Student Education Records

A parent/guardian or eligible student may request, in writing, an explanation or interpretation of a student's education records. School officials will respond to any reasonable request.

E. Right to Request Amendment of Education Records

A parent/guardian or eligible student may request that a student's education record be amended if the parent/guardian or eligible student believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights. The Superintendent will develop administrative guidelines explaining the process by which a parent/guardian or eligible student may request an amendment to the student's records and that the parent/guardian or eligible student has the right to a hearing if the District refuses the request.

F. Disclosure of Education Records to School Officials

Except as noted in “Disclosure to a For-Profit Business Entity” (section J), a school official may receive and review personally identifiable information from a student’s education record only if the school official has a legitimate educational interest in the information. A school official has a “legitimate educational interest” if the record review is necessary for the school official to perform an administrative, supervisory, or instructional task as assigned by the District or to perform a service or benefit for the student or the student’s family. For purposes of this Policy, a “school official” is any person employed by the District. The Board further designates the following persons and entities as “school officials”:

1. a person or company with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, medical consultant, or online educational service provider or vendor);
2. a contractor, consultant, volunteer, or other party to whom the Board has outsourced a service or function otherwise performed by District employees (e.g., a therapist, a school resource officer, or an authorized information technology specialist);
3. a parent/guardian or student serving on an official committee, such as a disciplinary, reinstatement, or grievance committee; and
4. a person, including a volunteer, who is assisting another school official in performing the official’s duties.

The above-identified persons and entities must: (a) perform institutional services or functions for which the District would otherwise use its own employees, (b) be under the direct control of the District as to the use and maintenance of education records, and (c) be subject to the requirements of FERPA regulations governing the use and re-disclosure of personally identifiable information from education records.

The Superintendent or designee will adopt procedures, including physical and technological controls, to ensure that only those school officials with a legitimate educational interest may access personally identifiable information from a student’s education records.

G. Disclosure of “Directory Information”

Except as otherwise stated in this Policy, school officials may disclose “directory information” without the prior written consent of a parent/guardian or eligible student unless the parent/guardian or eligible student specifically notifies the District that the parent/guardian or eligible student does not consent to the disclosure of the student’s directory information for 1 or more of the uses for which the District would commonly disclose the information.

The District will provide parents/guardians and eligible students with a Directory Information Opt Out Form, listing all uses for which it commonly discloses student directory information. The form will allow the parent/guardian or eligible student to elect not to have the student's directory information disclosed for 1 or more of the listed uses. Upon receipt of a completed Directory Information Opt Out Form, school officials may not release the student's directory information for any of the uses selected on the form.

The Superintendent or designee will provide the Directory Information Opt Out form to all parents/guardians or eligible students within the first 30 days of the school year. The form will also be made available at a parent's/guardian's or eligible student's request at any time during the school year. If the parent/guardian or eligible student does not return the form, the District may release directory information as permitted by law. The Directory Information Opt Out form will be kept on file for 1 year.

To ensure that directory information is not improperly used, the Superintendent or designee may require that a person requesting directory information execute an affidavit stating that, if disclosed, the directory information will not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

H. Disclosure of Education Records to Another School

School officials may release or disclose personally identifiable information contained in a student's education record without the consent of the parent/guardian or eligible student to another school or post-secondary institution in which the student seeks or intends to enroll, is enrolled, or from which the student receives services, if the disclosure is related to the student's enrollment or transfer.

I. Tagged Records and Record Transfers

Upon notification by a law enforcement agency that a student under age 17 is missing, the building principal or designee will tag the student's record in a manner that will alert both District and ISD personnel that the student is considered missing. Within 7 calendar days after receiving notice from a law enforcement agency that a student is no longer considered missing, the building principal or designee will remove the tag from the student's record.

Within 30 calendar days after receiving a request from a school in which a student has enrolled, the building principal or designee will forward the student's education records to the requesting school unless the student's record has been tagged as described in this Policy. If the record has been tagged, the building principal or designee will not forward the student's education records to the requesting school and will notify law enforcement.

J. Disclosure to a For-Profit Business Entity

School officials will not sell or otherwise provide any personally identifiable information that is part of a student's education records to a for-profit business entity, except as follows:

1. an employee or agent of a business entity acting as a "school official" as defined in this Policy;
2. pursuant to a management agreement between a public school academy and an educational management organization;
3. as necessary for standardized testing; or
4. as necessary to a person who is providing educational or educational support services to the student pursuant to a contract with the school.

K. Disclosure of Education Records in Response to Subpoena/Court Order

To the extent consistent with state law, including the nondisclosure requirements of Revised Judicature Act Section 2165, school officials may release or disclose personally identifiable information contained in a student's education records without the consent of the parent/guardian or eligible student upon receipt of a court order or lawfully issued subpoena requiring disclosure of the information. To the extent permitted or required by law, before complying with a court order or subpoena, school officials must notify the parent/guardian or eligible student, in writing, that the District intends to comply with the court order or subpoena.

L. Disclosure of Education Records in Other Circumstances

Except as provided in this Policy, the District and its employees and agents are prohibited from disclosing personally identifiable information from a student's education records without the written consent of a parent/guardian or eligible student unless the disclosure is otherwise permitted or required by law, including, without limitation, if the disclosure is:

- necessary because of a health or safety emergency;
- to authorized state or federal officials;
- in connection with a student's application for or receipt of financial aid;
- made for purposes of conducting a study for or on behalf of an educational agency or institution;
- to an accrediting organization;
- concerning a registered sex offender; or
- to a representative of a child welfare agency for a foster child.

A school official may not disclose personally identifiable information from a student's education records unless disclosure is consistent with the requirements of state and federal law, including FERPA.

M. Disclosure Logs

The Superintendent or designee will maintain, to the extent required by law, a log of those persons to whom personally identifiable information from a student's education records has been disclosed. The record will identify the student whose information was disclosed, the person or entity who requested or received the information, the information that was disclosed, the date the parent/guardian or eligible student provided written consent (if necessary for the disclosure), a legitimate reason for the disclosure, and any other information required by law.

Subject to the limitations below, a parent/guardian or eligible student may request, in writing, information related to disclosure of personally identifiable information by the District. This information includes:

- the specific personally identifiable information that was disclosed by the District;
- the name and contact information of each person, agency, or organization to which the District disclosed the student's personally identifiable information; and
- the legitimate reason that the person, agency, or organization had in obtaining the personally identifiable information.

The District is not required to provide information about the disclosure of personally identifiable information if the personally identifiable information is:

1. provided to MDE or CEPI;
2. provided to the eligible student or the student's parent/guardian;
3. provided to an intermediate school district providing services pursuant to a written agreement;
4. provided by an intermediate school district to a school district or to a public school academy in which the pupil is enrolled or to a school district or public school academy providing services to the pupil pursuant to a written agreement;
5. provided to a person, agency, or organization with the written consent of the eligible student or the student's parent/guardian;
6. provided to a person, agency, or organization in accordance with an order, subpoena, or ex parte order issued by a court of competent jurisdiction;

7. provided as necessary for standardized assessments that measure the student's academic progress and achievement;
8. covered by the District's Directory Information Opt Out Form, unless the parent/guardian or eligible student has signed and submitted the Opt Out Form.

N. Video Recordings

A video recording that is directly related to a student may be an "education record" (e.g., when it is maintained to document student conduct or misconduct, unless it is maintained by a law enforcement unit and used solely for a law enforcement purpose). The Superintendent or designee will determine, on a case-by-case basis, upon receipt of a request for the video's disclosure, whether a particular video is an "education record" and whether it contains "personally identifiable information" about a student. If the Superintendent or designee determines that a video recording is an "education record," its release and disclosure and the rights of parents/guardians and eligible students to inspect and review the video recording are governed by this Policy, applicable laws, and relevant state and federal guidance.

O. Disclosure of Records to Law Enforcement

Nothing in this Policy limits a school official's right or duty under state law or pursuant to the Statewide School Safety Information Policy to contact law enforcement to report possible criminal activity. A school official may not, however, disclose personally identifiable information from a student's education records to law enforcement without the prior written consent of a parent/guardian or eligible student unless disclosure is otherwise permitted or required by state or federal law (e.g., in response to a health or safety emergency or a court order or subpoena).

If a school official reports possible criminal activity of a student with a disability as defined by the Individuals with Disabilities Education Act, the school official must transmit a copy of the student's special education records and disciplinary records to the authorities to whom the crime is reported in a manner consistent with FERPA (i.e., with prior written consent or a lawful exception to consent). Except for disclosures in response to a health or safety emergency, school officials must seek written consent to transmit the records of a student with a disability immediately after reporting the student's potential criminal activity to authorities.

P. Disclosure of Information to Military Recruiter

The District will provide recruiters of the Armed Forces of the United States with at least the same access to the high school campus and to directory information as is provided to other entities offering educational or employment opportunities to those students, as required by state and federal law. "Armed Forces of the United States" means the armed forces of the United States and their reserve components and the United States Coast Guard.

The Directory Information Opt Out Form must include the option to opt out of the disclosure of the student's directory information to recruiters of the Armed Forces of the United States. Upon receipt of a written "opt out," school officials may not release the student's directory information to recruiters of the Armed Forces of the United States. The District may charge a fee, not to exceed the actual costs of copying and mailing the requested directory information, to recruiters of the Armed Forces of the United States, to the same extent it charges other organizations.

Q. Annual Notice Requirements

The Superintendent or designee will send an annual notice to parents/guardians and eligible students notifying them of the following:

1. the right to inspect and review their student's education records;
2. the right to seek amendment of their student's education records, the process for requesting amendment, and applicable hearing procedures;
3. the identity of designated "school officials" and the definition of "legitimate educational interest";
4. the definition of "directory information" and notice that their student's directory information may be disclosed without consent unless the parent/guardian or eligible student opts out of allowing disclosure;
5. the District's practice to disclose a student's education records, including disciplinary records, to another school or post-secondary institution in which the student seeks or intends to enroll or is enrolled;
6. the right to consent to the disclosure of personally identifiable information from a student's education record before its disclosure, unless a nonconsensual disclosure is otherwise authorized by law;
7. the right to opt out of disclosure of directory information to recruiters for Armed Forces of the United States and their service academies;
8. the right to file a complaint with the U.S. Department of Education alleging that the District violated FERPA; and
9. the right to obtain a copy of the Board's policies and administrative regulations about student records.

Legal authority: 20 USC 1401 et seq., 1232g, 7165, 7908; 26 USC 152; 34 CFR Part 99, 300; MCL 15.243(2); MCL 380.1134-1136, 380.1137a, 380.1279g; MCL 600.2165; MCL 722.30; MCL 780.855, 780.871; *Records Retention and Disposal Schedule for Michigan Public Schools*

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Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5309-F-1 Amendment of Student Records

If a parent/guardian or eligible student believes that the student's education record is inaccurate or misleading, the parent/guardian or eligible student may request that the record be amended. An amendment request must:

- A. Be in writing, directed to the building principal;
- B. Identify the record that the parent/guardian or eligible student is seeking to amend; and
- C. Clearly state why the parent/guardian or eligible student believes that the record is inaccurate or misleading.

Upon receipt of an amendment request that meets the above requirements, the building principal or designee will review the disputed record and determine whether the record is inaccurate or misleading. The building principal or designee will notify the parent/guardian or eligible student of the decision within 30 school days of receipt of the amendment request. The building principal or designee's decision will be one of the following:

- A. A determination that the record is not inaccurate or misleading and, therefore, the record will not be amended. The building principal or designee will notify the parent/guardian or eligible student of the right to appeal the determination at a hearing.
- B. A determination that the record is inaccurate or misleading. The building principal or designee will notify the parent/guardian or eligible student of how the record will be amended.

The amendment process may only be used to modify information that is inaccurate or misleading. The District will not hold a hearing under Policy 5309 to address any other concerns about a student's education records. This process may not be used to challenge a grade, an opinion, or a substantive decision made by the District about a student.

Hearing Procedures

If the building principal or designee issues a determination that the record is not inaccurate or misleading, the parent/guardian or eligible student may appeal that determination at a hearing. The following hearing procedures will apply:

- A. The parent/guardian or eligible student must request a hearing in writing within 15 school days of the building principal or designee's decision. The request must be sent to the Superintendent.

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- B. Upon receipt of a written hearing request, the Superintendent will designate an impartial hearing officer to review the matter within 5 school days of receipt of the hearing request. The impartial hearing officer will be an employee of the District who was not involved in the building principal or designee's decision.
- C. The impartial hearing officer will contact the parent/guardian or eligible student to schedule a mutually agreeable date for the hearing. In most cases, the hearing will be held within 30 school days from the date of the hearing request and will be held at the District. If a mutually agreeable date for an in-person hearing cannot be determined, or if circumstances otherwise require, the hearing officer may elect to hold the hearing via telephone or electronically.
- D. The sole issue for hearing is whether the record(s) in question is/are inaccurate or misleading.
- E. The parent/guardian or eligible student has the burden of demonstrating that the records are inaccurate or misleading and may present evidence that the parent/guardian or eligible student reasonably believes will assist the hearing officer in making a determination.
- F. The building principal or designee may present evidence supporting the decision to deny the request.
- G. The following rules apply to any evidence offered:
 - 1. There is no right to subpoena records or cross-examine witnesses;
 - 2. The hearing officer will determine whether offered evidence is relevant;
 - 3. The hearing officer has the right to exclude evidence and testimony that the hearing officer does not believe will assist in determining whether the record is inaccurate or misleading;
 - 4. The hearing officer's decisions on evidence admissibility are final.
- H. The hearing officer will issue a written decision within 30 school days of the hearing. The decision will be limited to a finding of whether the records are inaccurate or misleading.
- I. If the hearing officer finds that the record is inaccurate or misleading, the hearing officer will describe in the decision how the record will be amended to correct the inaccurate or misleading portion of the record.
- J. If the hearing officer finds that the record is not inaccurate or misleading and therefore will not be amended, the parent/guardian or eligible student may insert a statement in the record commenting on the contested record or stating disagreement with the District's decision. That statement must remain with the contested part of the student's record for as long as the record is maintained by the District.
- K. The hearing officer's decision is final.

Series 5000: Students, Curriculum, and Academic Matters

5300 Student Enrollment, Attendance, and Records

5309-F-2 Directory Information and Opt-Out

Student's Name: _____

School: _____ Grade: _____

The Family Educational Rights and Privacy Act (FERPA) requires that [Insert District Name] obtain your written consent prior to the disclosure of personally identifiable information from your child's education records, unless certain conditions specified by FERPA are met. FERPA distinguishes between personally identifiable information and directory information, however, and the District may disclose appropriately designated "directory information" without your written consent, unless you have advised the District to the contrary.

If you *do not* want your student's directory information released for one or more of the purposes listed below, please complete this form and return it to your student's school office by [Insert Deadline Date].

If you fail to complete and return this form, the District will presume that you give permission to release your student's directory information for all the uses listed below.

Your Opt-Out request will be recorded in the student information system and kept on file in the school's office for 1 school year.

Directory information includes [Insert District definition of "directory information," as adopted by the Board in Policy 5309.]

Please check the boxes next to the purpose(s) for which you *do not grant* the District permission to disclose your student's directory information, below.

[Insert District Name] *may not* disclose my student's directory information for the following purposes:

[Insert District's chosen list of uses of directory information. See examples of common uses of directory information below]

- For School or District publications, including but not limited to, a yearbook, graduation program, theater playbill, athletic team or band roster, newsletter, and other school and district publications.
- For School or District auto-dialer system to communicate School or District information.
- To news media outside the School or District.

5309-F-2 Directory Information and Opt-Out

- To the School PTO or District parent organization.
- To other groups and entities outside of the School or District, including community, advocacy, and/or parent organizations.
- On official school-related websites or social media accounts.
- On school employees' personal classroom websites or social media accounts.

Information to U.S. Military Recruiters and Institutions of Higher Education Recruiters

Federal law requires the District to release a secondary school student's name, address, and telephone number to U.S. Military recruiters and institutions of higher education upon their request. If you do not want your student's information released for one or both of those purposes, please check one or both of the boxes below:

- Do not release my student's name, address, or telephone number to U.S. Military recruiters without my prior written consent.
- Do not release my student's name, address, or telephone number to institutions of higher education recruiters without my prior written consent.

Parent/Guardian/Eligible Student Signature

Date

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5401 Parent/Guardian Involvement in Education

A. Parent/Guardian Involvement

The District will take the following steps to encourage parent/guardian involvement in their student's education:

1. Parents/guardians will be provided the opportunity to review District-approved curriculum, textbooks, and instructional materials, including any material that will be used in connection with a survey, analysis, or evaluation, upon request.
 - a. Requests to review curriculum, textbooks, and instructional materials must be made to the building principal.
 - b. Parents/guardians may review textbooks based on availability and may review instructional materials within a time frame determined by the building principal or designee.
2. Parents/guardians will be permitted to attend and observe instructional activities in a class or course in which their student is enrolled and present.

Parents/guardians must make an appointment with the building principal to observe instructional activities in a class or course in which the student is enrolled and present. The building principal will permit a parent/guardian observation unless the building principal determines that the observation would disrupt the class or course. Frequent observations are likely disruptive. Absent unusual circumstances, as determined by the building principal, observations that last more than 30 minutes or occur on consecutive days will not be permitted. Parents/guardians who want to observe instructional activities also must adhere to Policy 3105.

Parents/guardians are not permitted to observe testing.

3. Parents/guardians may inspect and review their student's education records, upon written request, consistent with Policy 5309 and state and federal law.
4. At the beginning of the school year, the District will notify parents/guardians of students attending Title I schools of the right to request a copy of this Policy. The District will provide a copy of this Policy to a requesting parent/guardian in a timely manner.
5. Reserved

B. Assessments and Surveys

1. State assessments

Pursuant to state law, the District will not approve parent/guardian requests to opt students out of state assessments.

2. National Assessment of Educational Progress

As a condition of receiving federal funds and as required by state law, the District may be selected to participate in the National Assessment of Educational Progress (NAEP). To help ensure that the District has a representative sample of students taking the NAEP, which will allow the District to assess the quality and effectiveness of its programming on a national level, the District strongly encourages all eligible students to participate. Student participation in NAEP is voluntary.

The District will notify parents/guardians of students eligible to take the NAEP before the assessment is administered. Parents/guardians wishing to opt their students out of the NAEP assessment must notify the District in writing at least 3 school days before the assessment date to ensure that the District can coordinate supervision and alternative activities for students who have opted out.

3. Surveys

Parents/guardians will be notified before their student participates in surveys on certain topics in accordance with Policy 5308.

Legal authority: MCL 380.1137, 380.1280b, 380.1295, 380.1507(3)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5402 *Communication with Parents/Guardians*

The District will inform parents/guardians of student progress, grades, and attendance through report cards, progress reports, parent/guardian-teacher conferences and parent/guardian access to the District's student information system. The District will notify a parent/guardian if a student is failing or close to failing a course, either through direct communication or through parent/guardian access to the District's student information system.

Other pertinent information will be communicated to parents/guardians by mail, electronic communication, telephone calls, personal contact, or other method deemed appropriate by the school staff member.

By providing the District with their telephone number(s), parents/guardians agree to receive notifications from the District's automated notification system.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5403 Rights of Non-Custodial Parents/Guardians

Absent production of a court order that provides otherwise, District personnel will treat each parent/guardian, regardless of custody or visitation rights, the same as to accessing student records, meeting and conferring with District personnel, visiting a child at school, and transporting a child to or from school. District personnel are not responsible for enforcing visitation or parenting time orders to which the District is not a party.

Legal authority: 34 CFR 99.3; MCL 722.30; OAG, No. 5027 (June 30, 1976)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5404 Free Textbooks, Materials, and Charging of Fees and Fines

The District will provide free instruction in accordance with state law and the State Board of Education's Position Statement on Free Textbooks, Materials, and the Charging of Fees.

A. Textbooks and Materials

The District will not charge a fee for materials necessary to complete required or elective courses. Students and parents/guardians may purchase additional supplies at their own expense. The District may charge a reasonable and refundable deposit to cover damage to textbooks and supplies.

B. Fees

The District will not charge students a fee to participate in curricular activities. The District may charge students a fee to participate in extracurricular and noncurricular activities to cover the District's reasonable costs. The District may require students to furnish specialized equipment and clothing required for participation in extracurricular and noncurricular activities or may charge a reasonable fee for the use of District-owned equipment or clothing. The activity's coach or sponsor will provide students with information about the fees charged and the equipment or clothing required.

C. Fines

The District may require students and their parents/guardians to reimburse the District for actual costs to repair or replace District property that is lost, damaged, stolen, returned in a different condition, or not returned on time. The District may pursue legal remedies to collect unpaid fines.

D. Optional Insurance

The District may offer the opportunity for students or parents/guardians to purchase insurance to protect against damage to District equipment or supplies. The decision to offer insurance rests with the District.

E. Donations

The District may request donations of money, materials, equipment, or clothing from parents/guardians and community members to defray the costs of providing certain services and activities to students. Employees are directed to clearly communicate to students, parents/guardians, and community members that donations are voluntary.

A teacher may provide a list of suggested materials that students and parents/guardians may purchase. Purchasing materials is voluntary and not required for curricular activities.

F. Waivers

Students who qualify for free or reduced-price lunches under U.S. Department of Agriculture child nutrition programs will be provided a fee waiver or the necessary materials or equipment without charge for: (1) participation in extracurricular activities, (2) materials for course projects, and (3) the use of a musical instrument in elective music courses. Actual participation in the free or reduced-price lunch program is not required to qualify for these waivers. The District is not obligated to provide any particular type or quality of equipment or other material to eligible students. A student who wishes to be considered for a fee waiver must submit a completed fee waiver application to the building principal.

Legal authority: MCL 600.2913; State Board of Education's Position Statement on Free Textbooks, Materials, and the Charging of Fees (March 1972)

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5405 Title I Parent and Family Engagement Policy

The District will jointly develop with parents/guardians a School-Parent-Student Compact that outlines how the Title I school, parents, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help students achieve state education standards.

The Engagement Policy will be jointly developed and distributed to parents and family members of participating students and the local community in an understandable format and, to the extent practicable, in a language the parents can understand. An annual evaluation of the Engagement Policy's content and effectiveness will be used to design evidence-based strategies for more effective parental involvement, to revise the Parent and Family Engagement Policy, and to remove barriers to participation. The Engagement Policy will be reviewed annually at a meeting where concerned parties can discuss possible changes to the Engagement Policy.

The District recognizes the unique needs of students who are being served in its Title I program, and the importance of parent and family engagement in the Title I program. Parent and family engagement in the Title I Program must include, but is not limited to:

- A. an annual meeting to which all parents of participating students will be invited to inform parents of their school's participation under this part, to explain the requirements of this part, and to explain the parents' right to be involved. Invitations may take the form of notes sent with students or announcements in the school newsletter. Additional meetings may be scheduled based on need and interest;
- B. an explanation of the details for student and parent participation, including but not limited to: curriculum objectives, the forms of academic assessment used to measure student progress and achievement of the state academic standards, type and extent of participation, parental input in educational decisions, coordination and integration with other federal, state, and District programs, and evaluations of progress;
- C. opportunities to participate in parent involvement activities, such as training parents to work with their students to improve achievement. A goal of parent activities is to provide parents with opportunities to participate in education-related decisions for their students, as appropriate;
- D. to the extent practicable, opportunities for involvement in the Title I Program for parents of limited English proficiency, parents with disabilities, parents with limited literacy, parents who are economically disadvantaged, parents of a minority background, or parents of migratory children. Communication to parents about student progress and other Title I matters will be provided in a language the parent can understand, to the extent practicable. Responses to parent concerns will be provided in a timely manner;

- E. opportunities for parent-teacher conferences, in addition to those regularly scheduled by the District, if requested by the parents or as deemed necessary by District staff;
- F. coordination and integration of parental involvement programs and activities with other community programs. These may include cooperation with other community programs such as Head Start, preschools, and other community services; and
- G. educating teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents in the value and utility of parental contributions, how to reach out to, communicate with and work with, parents as equal partners.

Legal Authority: 20 USC 6318

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5406 *Title I Funds*

The District will use Title I funds to supplement, not supplant, state and local funds that would, in the absence of Title I funds, be spent on Title I programs. The District will ensure that Title I funds will not be used to provide services that otherwise take the place of public education services that are to be provided to all students. A student's eligibility for Title I services may not disqualify the student from any service for which the student is otherwise eligible.

The District will maintain records of Title I-funded professional development. The Superintendent or designee will ensure that professional development is aligned with the needs of the District's Title I programs. Title I-funded professional development will not duplicate that which is funded from other sources and which, in the absence of Title I funds, would be provided to all staff.

Legal Authority: 20 USC 6301 et seq.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5407 Instructional Program and Curriculum Development

The District will provide students with at least the minimum number of instructional hours and days each school year required by the state for full state aid funding. The District may deviate from this requirement only as permitted by state law.

The Board, advised by the Superintendent, will adopt a curriculum and procure textbooks and materials to support the curriculum.

The Superintendent or designee is responsible for providing and directing District-wide planning for curriculum, instruction, assessment, and staff development in accordance with Policy 2203. Committees consisting of educational professionals, including administrators, and community members, may be established to design instructional strategies and assessments to implement the curriculum.

A. Parent/Guardian Rights

As described in Policy 5401, the District will provide a parent/guardian the opportunity to review District-approved curriculum, textbooks, and instructional materials upon request to the building principal. See Policy 5401 for appropriate procedures.

B. Complaints about Instructional Materials

If a parent/guardian objects to their student's instructional materials, the following procedures will apply:

1. **First Level – Objection to Teacher.** The parent/guardian must submit an objection and explanation in writing to the relevant classroom teacher. The teacher will review the parent's/guardian's objection and either discontinue using the material or advise the parent/guardian of the educational and pedagogical reasons for the material.
2. **Second Level - Appeal to Building Principal.** If the parent/guardian disagrees with the teacher's response, the parent/guardian may submit a written appeal to the building principal stating the reasons why the parent/guardian objects to the materials. The building principal will confer with the relevant classroom teacher within 5 school days. The building principal will review the written objection and the materials in question to determine whether:
 - a. the stated objection outweighs the educational and pedagogical reasons;
 - b. the materials require the student to engage in conduct or practice that violates the student's sincerely held religious belief;

- c. the materials lack serious educational, literary, artistic, political, or scientific value for the age range of the students in question; or
- d. the materials are inappropriate or harmful for the age range of the students in question.

The building principal will provide all parties with a written response granting or denying the appeal within 10 school days after conferring with the teacher.

3. **Third Level - Superintendent Review.** If the parent/guardian disagrees with the building principal's response, the parent/guardian may submit a written appeal to the Superintendent within 5 school days after receiving the building principal's response. The Superintendent will review the parent's/guardian's written objection, the building principal's written response, the parent's/guardian's written appeal, the materials being challenged, and any other information the Superintendent deems relevant. The Superintendent will issue a written decision within 30 calendar days of receiving the appeal based on the factors described in Section 2 above. The Superintendent's decision is final.

C. Complaints about Library Materials

If a parent/guardian objects to materials in the school library, the parent/guardian must submit an objection and explanation in writing to the Superintendent identifying:

1. the basis for the objection;
2. any recent known use of the library materials in the school; and
3. any other relevant information.

The Superintendent will review the written objection and the materials in question in their totality to determine whether:

1. the materials lack serious educational, literary, artistic, political, or scientific value for the age range of the students in question; or
2. the materials are inappropriate or harmful for the age range of the students in question.

The Superintendent may, in his or her sole discretion, designate review to another administrator or employee. The Superintendent or designee will endeavor to provide a written response to the parent/guardian within 30 calendar days after receiving the objection. The Superintendent or designee's decision is final.

The District will not restrict access to the challenged material during the review process.

Legal Authority: MCL 380.1137, 388.1706

Date adopted: November 8, 2021

Date revised: March 14, 2022

Series 5000: Students, Curriculum, and Academic Matters

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5408 *Intentionally Left Blank*

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5409 Academic Credits and Graduation

A. Graduation Requirements

A student must successfully complete all graduation requirements to earn a high school diploma. The Superintendent will ensure that the District's required credits and graduation criteria are consistent with state law and annually published in applicable student handbooks.

Departments	Explanation of Credits	
	2022-2023	
English	4.0	Students are required to select core English courses in 9 th , 10 th , 11 th and 12 th grade.
Social Studies	3.0	1.0 credit of U.S. History and Geography 1.0 credit of World History and Geography .5 credit of Civics/.5 credit of Economics
Mathematics	4.0	1.0 credit of Algebra 1.0 credit of Geometry 1.0 credit of Algebra 2 1.0 additional math credit (A math class must be taken during the senior year)
Science	3.0	1.0 credit of Biology 1.0 credit of Chemistry or Physics 1.0 credit of an additional science: Earth, Environmental, OR Anatomy & Physiology
Physical Education	.5	.5 credit of PE or the participation in three seasons of high school athletics or Marching Bands. To qualify for a 0.5 credit waiver, a student must have participated in 3 complete seasons of JV or Varsity sports or 3 seasons of Marching Band.
Health	.5	.5 credit of Health
Required Elective	1.0	Students must earn 1 credit from any of the following areas: fine arts, performing arts, vocational education
World Languages/Visual Performing Arts	2.0	2.0 credits in grades 9-12 (Ex. 1 World Language Credit and 1 Visual Performing Arts Credit or 2 World Language Credits).
Total Required Credits	18	Reflects the Michigan Merit Curriculum
Electives	6	Can be taken in any department
On-Line Learning Experience	Required	All students will complete at least one online learning experience incorporated into the required credits.
Total Credits	24 (2022-2023)	Minimum credits required for graduation

B. Personal Curriculum

In some cases, it may be appropriate to modify the Michigan Merit Curriculum for a student. Modifications may only be made in accordance with state law. The parent/guardian of a student who has completed grade 9 or a student who has reached age 18 may request a personal curriculum.

A teacher or school counselor may request that the District consider providing a student with a personal curriculum. If requested by a teacher, the teacher must

currently teach or have expertise in a subject area proposed to be modified by the personal curriculum or the building principal must determine that the teacher has qualifications relevant to developing a personal curriculum.

In all cases, a student's personal curriculum must be developed in accordance with state law.

The District will annually notify parents/guardians of their ability to request a personal curriculum.

C. Earning Credit

The District will grant credit to a student who successfully completes a course. Successful completion means that the student has demonstrated mastery of the state- or District-approved subject area content standards for the course by obtaining a D- or higher grade in the course based, in part, on at least 1 state or District-approved assessment.

Alternatively, the District will grant equivalent credit for a required Michigan Merit Curriculum course if the student earns a qualifying score, as determined by MDE or by the District, on a state- or District-approved assessment (i.e., "testing out").

The District will grant equivalent credit for a course if the student demonstrates a reasonable level of mastery by achieving a C+ or better on the final examination for the course or, if there is no final examination, by demonstrating subject area content knowledge by obtaining a C+ or better on an alternative assessment, such as a portfolio, performance, paper, project, presentation, or other established means. A student who earns credit in a course by "testing out" will not earn a grade in the course, and the credit will not be considered for determining grade point average or any honors earned based on grade point average.

The District will grant a student credit toward a diploma or alternative certificate if the student successfully completes, before entering high school, a state-mandated curriculum requirement by demonstrating proficiency on the content expectations for that curriculum requirement, either through successfully completing the course or by testing out.

Once a student earns credit in a course, either by successfully completing the course or by testing out, the student may not earn additional credit for the course or for a lower level course in the same subject.

The Board will recognize credits earned at other public schools and at accredited nonpublic schools. For students transferring from a home school program, the Superintendent or designee will assess whether the home school credit reflects proficiency in state and District content expectations for each course for which the student seeks to transfer credit. If the Superintendent or designee determines that the student is proficient in the subject area content, the District will award transfer credit.

Legal authority: MCL 380.1278a, 380.1278b, 380.1279b

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

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5409-F Graduation Requirements Checklist

[NOTE: The list below includes only the Michigan Merit Curriculum requirements. The District may modify or add additional graduation requirements so long as they meet the statutory standards set forth below.]

The District establishes the following graduation requirements for all students:

Michigan Merit Curriculum

- English Language Arts – 4 credits
 - Proficiency in State Content Standards for ELA (4 credits).
- Mathematics – 4 credits
 - Proficiency in State Content Standards for Math (3 credits); and
 - Proficiency in District-approved Math credit option (1 credit).
 - Student MUST have Math experience in final year of high school.
- Science – 3 credits
 - Proficiency in State Content Standards for Science (3 credits); or
 - Proficiency in State Content Standards for Science (2 credits) and completion of MDE-approved formal CTE program (1 credit).
- Physical Education/Health – 1 credit
 - Proficiency in State Content Standards for Physical Education and Health (1 credit); or
 - Proficiency in State Content Standards for Health (½ credit) and District-approved extracurricular activity involving physical activities (½ credit).
- Social Studies – 3 credits
 - Proficiency in State Content Standards for Social Studies.
- World Languages – 2 credits
 - Formal coursework or equivalent learning experience (2 credits); or
 - Formal coursework or equivalent learning experience (1 credit) and completion of MDE-approved formal CTE program or additional visual, performing, and applied arts credit (1 credit).
- Visual, Performing, Applied Arts – 1 credit
 - Proficiency in State Content Standards for Visual, Performing, and Applied Arts (1 credit).

5409-F Graduation Requirements Checklist

Additional District Requirements

[Insert any additional District requirements here.]

Total Number of credits required: []

[Optional: The building administrator may waive any or all of the additional District requirements if, in the principal's sole determination, extenuating circumstances exist which may include prolonged illness, death of immediate family member, or for another reason that may warrant a personal curriculum pursuant to Policy 5409.]

Testing Out

Students who are not enrolled in a course may test out of a course. A student who seeks to test out must demonstrate that the student has a reasonable level of mastery over the subject matter and meets or exceeds the content expectations associated with the course subject.

[Insert District restrictions on testing out: See sample restrictions below]

- Testing out can only occur at the end of a [marking period/semester/trimester].
- A student will have [one/two] opportunity(ies) to test out of a course. Students [will/will not] be permitted to retake the test out exam.

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5410 Commencement

The District may conduct a commencement ceremony for eligible students at the end of the school year. Participation in the ceremony is a privilege, not a right. The Superintendent or designee may prohibit students from participating in the ceremony as a consequence for misconduct. A student's disqualification from participating in the commencement ceremony does not impact the issuance of a diploma to the student, provided that all graduation requirements have been satisfied.

"Eligible students" means those students who have completed all District graduation requirements or who have received a certificate of completion.

A student may participate in only 1 commencement ceremony.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5411 *Student Promotion, Retention, and Placement*

The District has the sole discretion to make promotion, retention, and placement decisions for its students, consistent with state and federal law. The District may consider parent/guardian requests that a student be placed in a particular classroom, building, educational program, or grade.

A. Student Promotion and Retention

The building principal will attempt to consult with a student's parent/guardian before deciding to retain a student, advance a student to the next grade mid-year, or allow a student to skip a grade level. If the parent/guardian disagrees with the building principal's decision about promotion or retention, the Superintendent or designee will make the final decision.

B. Student Placement

The Superintendent or designee will determine a student's classroom and building placement based on District needs, available space, and educational expertise, consistent with state and federal law. The District's placement decision is final. Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

C. Intradistrict Choice

A student who is the victim of a violent criminal offense at school may transfer to another public school in the District, if available. A student who attends a Title I school in the District that has not made adequate yearly progress as defined by state and federal law for 2 or more consecutive years or who is attending a persistently dangerous school may transfer to another public school in the District, if available. The Superintendent or designee will notify parents/guardians if their student is eligible to transfer under this Policy.

This Policy incorporates the definitions for "violent criminal offense" and "persistently dangerous school" contained in the Michigan State Board of Education's Statewide Safe School Choice Policy.

D. Nontraditional Programs

The District may operate nontraditional programs to meet the needs of all students. Nontraditional programs may include alternative education or virtual settings. The building principal or designee will attempt to consult with a student's parent/guardian before finalizing a decision to move a student to a nontraditional program. If the parent/guardian disagrees with the building principal's or designee's decision, the Superintendent or designee will make the final decision.

Nothing in this section may be construed to limit or modify rights under state or federal laws applicable to students with disabilities, including the right to have placement decisions made by an IEP or Section 504 Team.

E. Read by Grade Three Law Retention

Students must demonstrate a third grade reading level before being promoted to fourth grade. Pursuant to Michigan law, a third grade student may not enroll in fourth grade unless the student: (1) scores less than 1 grade level behind on the third grade state English Language Arts (ELA) assessment; (2) demonstrates a third grade reading level through performance on an alternative standardized reading assessment approved by the State Superintendent; or (3) demonstrates a third grade reading level through a “pupil portfolio,” containing multiple work samples, that evidences competency in all third grade state ELA standards.

If a third grade student scores 1 grade level or more below current grade level on the state ELA assessment, the Center for Educational Performance and Information (CEPI) will notify the student’s parent/guardian and the District that the student may be retained. The student’s parent/guardian may request a good cause exemption to the retention requirement. The exemption must be requested within 30 calendar days after the date of the CEPI notification and must be directed to the Superintendent. The Superintendent or designee will determine whether good cause exists to grant the exemption request in accordance with state law.

Upon parent/guardian request, a District official will meet with the parent/guardian to discuss the retention requirement and the standards and processes for a good cause exemption.

The District will adhere to all procedures and requirements for retention and for granting any exemptions under state law.

Legal authority: 20 USC 7912; MCL 380.1278a, 380.1278b, 380.1280f

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5412 *Class Rank*

The Superintendent or designee may establish criteria for determining student class rank, eligibility for honor roll, and other academic recognition. The criteria will be published annually in the applicable student handbook(s).

The Superintendent's or designee's determination of criteria under this Policy and decisions about class rank, honor roll, and other academic recognition are final.

Nothing in this Policy may be construed to require class ranking, honor roll, or other academic recognition.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5413 *Intentionally Left Blank*

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5414 *Intentionally Left Blank*

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5415 *Summer School*

The District may offer a summer school program to provide additional educational opportunities for students who need remedial instruction, credit recovery, or enrichment experiences.

The Superintendent or designee will establish and implement procedures for the District's summer school program, if offered, which will be included in the applicable student handbook(s).

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5416 Homebound and Hospitalized Instruction

The District will provide an enrolled student with instruction in the student's home, hospital, or licensed treatment facility if both of the following requirements are met:

- A. the student's parent/guardian submits a homebound/hospitalized instruction form which includes verification by a legally authorized healthcare provider of a medical condition that requires the student to be hospitalized or confined to the home during regular school hours for a period longer than 5 consecutive school days. A student who is able to attend school for part of the day is not eligible for homebound instruction; and
- B. the student is physically able to participate in instruction while hospitalized or confined to the home.

Homebound instruction is not intended to replicate the classroom experience. For most students, the District will provide a minimum of 2 45-minute sessions per week with a certificated teacher. For students with disabilities under the Individuals with Disabilities Education Act (IDEA), the District will provide a minimum of 2 nonconsecutive hours per week with a certificated teacher. Homebound instruction may be supplemented with a variety of in-person and distance learning services, as determined appropriate by the Superintendent or relevant educational team.

For students with disabilities under IDEA, the District will consider whether the student's homebound instruction constitutes a change in placement and whether an IEP Team meeting should be convened.

The District will provide homebound and hospitalized instruction consistent with state law and MDE guidance.

Legal authority: MCL 388.1709; Mich Admin Code R 340.2(11), 340.2(12), 340.1746;
Providing Homebound and Hospitalized Educational Services for Michigan Public School Pupils, as amended; Michigan Pupil Accounting Manual

Date Adopted: November 8, 2021

Date Revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5416-F Homebound and Hospitalized Instruction Request Form

Student Information

Name: _____
First Last

School Attending: _____ Grade: _____

Date of Birth: _____ Phone: _____

Student Address: _____

Physician Certification (This section must be completed by a MD, DO, or PA only)

Nature of the medical condition: _____

Duration of the confinement: _____

I certify that the above-named student is unable to attend school for any part of the school day due to a medical condition that requires the student to be hospitalized or confined to the home during regular school hours for more than 5 consecutive school days.

Attending Physician's Name: _____

Physician Signature: _____ Date: _____

Physician Address: _____

Physician Phone Number: _____

Parent/Guardian Acknowledgement

I, _____ the parent/guardian of the above-named student, understand that homebound and hospitalized services is a guided self-study program designed to help my student keep up with schoolwork while my student is unable to attend school. I also understand that my student will be required to do schoolwork outside of scheduled teacher sessions to make progress. I understand that I will need to provide supervision during teacher visits and support my student with learning activities to the extent possible outside of those visits.

Parent's/Guardian's Signature: _____ Date: _____

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5417 Homework

Homework is intended to facilitate and support student learning of concepts or skills found in the curriculum. Building principals or designees may adopt building- or grade-specific homework guidelines, which will be communicated to students, parents/guardians, and teachers.

Teachers will comply with any building- or grade-specific homework guidelines and should consider a student's age and capabilities and use their professional judgment in determining length, difficulty, and student readiness when assigning homework.

Teachers may consider a student's homework performance in determining a student's grade.

Date Adopted: November 8, 2021

Date Revised:

Series 5000: Students, Curriculum, and Academic Matters

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5418 *Grades*

The Superintendent or designee will develop and implement student grading guidelines to be used by teachers. The objective of grades is to quantify and report each student's academic achievement.

Date Adopted: November 8, 2021

Date Revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5418-F Grade Change Procedure

Consistent with Policy 5418, the Superintendent establishes the following procedures to address requested grade changes:

- A. Grade changes will only be considered within 10 school days of the completion of a reporting period.
- B. The grade change request will first be submitted to the student's teacher of record. If the teacher declines to provide written grade change authorization as requested, the student's parent/guardian may appeal the teacher's denial in writing to the building administrator or designee.
- C. The building administrator or designee will review the grade change request in light of applicable Board policies (e.g., attendance, discipline) and applicable grading guidelines.
- D. The building administrator or designee will further review the request in light of extenuating personal or academic circumstances asserted by the student or parent/guardian.
- E. Following the above review, the building administrator will take action upon the request. Actions may include: (a) granting the request; (b) denying the request; or (c) taking such other action as is appropriate, in light of applicable policies, guidelines, and extenuating circumstances (e.g., granting the request only upon completion of missing or extra assignments).
- F. The building administrator or designee's review should be completed within 10 business days of its receipt, absent extenuating circumstances.
- G. The building administrator or designee will notify the student's parent/guardian in writing of the appeal's disposition within two days of completion of the appeal's review.

The building administrator or designee's decision about grade appeals is final.

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5419 Reading Assessments, Instruction, Intervention, and Retention

The District will provide instruction and interventions to promote literacy, with a specific emphasis on students in grades K-3, and will follow the procedures and requirements enumerated in state law, including, but not limited to, administering reading assessments to students in grades K-3, providing reading improvement plans and reading intervention programs to students in grades K-3 who have been identified as having a reading concern or deficiency, and notifying parents/guardians of their students' reading deficiencies and reading progress.

The District will follow Policy 5411 and state law related to the retention and promotion of students who have reading deficiencies.

Legal authority: MCL 380.1280f

Date Adopted: November 8, 2021

Date Revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5420 Sex Education

A. Communicable Disease Instruction

The Superintendent or designee will ensure that students are taught about dangerous communicable diseases. Instruction must include the principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for disease restriction and prevention.

Instruction must be provided by qualified instructors as defined by state law. Instruction must stress that abstinence from sex is: (1) a responsible and effective method of preventing sexually transmitted diseases, and (2) a positive lifestyle for unmarried young people.

B. Revision to Materials and Methods of Instruction

Before revising curriculum about dangerous communicable diseases, the Board will hold at least 2 public hearings occurring at least 1 week apart on the proposed revisions.

C. Sex Education Advisory Board

The Board will create a sex education advisory board to:

1. establish sex education program goals and objectives for student knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases;
2. review materials and methods of instruction used in the District's sex education program;
3. make recommendations to the Board for implementation of a sex education program; and
4. evaluate, measure, and report the attainment of program goals and objectives at least every 2 years.

The sex education advisory board must include the following members: parents/guardians, students, educators, local clergy, and community health professionals. At least half of the members must be parents/guardians who have a student in the District. A majority of those parents/guardians must not be employed by a school district.

The sex education advisory board will have 2 co-chairs appointed by the Board. One co-chair must be a parent/guardian of a student in the District.

The Board may, in its discretion, determine and modify terms of service for sex education advisory board members, the number of members, and the membership selection process.

Co-chairs or their designees will provide members of the sex education advisory board 2 weeks' electronic or written notice of meetings.

D. Sex Education Courses

The Board authorizes age-appropriate, medically-accurate instruction in sex education including, but not limited to, family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. Instruction may also include the subjects of reproductive health and the recognition, prevention, and treatment of sexually transmitted diseases. The District's sex education curriculum must comply with state law.

Instruction must include principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for disease prevention.

Sex education instruction must be provided by qualified instructors as defined by state law. Instruction must stress that abstinence is (1) a responsible and effective method of preventing unplanned pregnancy, out-of-wedlock pregnancy, and sexually transmitted diseases, and (2) a positive lifestyle for unmarried young people.

Sex education is an elective course and is not required for graduation.

E. Reproductive Health Instruction

A reproductive health instruction program must be supervised by a licensed physician, a registered nurse, or other person certified by the State Board of Education as qualified.

No person may dispense or distribute a family planning drug or device on District property.

Clinical abortion is not considered a method of family planning, and abortion must not be taught as a method of reproductive health.

F. Revision to Materials and Methods of Instruction

Before revising sex education materials or methods of instruction, or before revising curriculum about dangerous communicable diseases, the Board will hold at least 2 public hearings occurring at least 1 week apart on the proposed revisions.

G. Parental Notice and Opt-Out

A student may not be enrolled in a class in which family planning or reproductive health is discussed unless the student's parent/guardian is provided advance notice of the course content, is given a prior opportunity to review the course materials, and is provided advance notice of the right to excuse the student from the class. If a parent/guardian excuses a student from the class in writing, the student will not be penalized or lose academic credit for not attending the class.

A parent/guardian may file written notice that the student is excused from all sex education offered by the District. If the District receives written notice, the student may not be enrolled in a sex education class unless authorized by the parent/guardian in writing.

H. Employee Responsibilities

Employees must comply with Policy 4209.

Legal authority: MCL 380.1169, 380.1506, 380.1507, 380.1507a, 380.1507b]

Date adopted: November 8, 2021

Date Revised:

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5420-F-1 Sex Education Advisory Board Checklist

If the District provides a class on instruction in sex education (including family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life), then the Board must establish a sex education advisory board before providing instruction. This checklist is intended to assist the Board in that task.

The advisory board must convene to perform the tasks listed in D, below, which includes meeting at least once every two years to evaluate, measure, and report on the attainment of the program goals and objectives.

A. Has the Board determined:

- the terms of service for the sex education advisory board?
- the number of members to serve on the advisory board?
- a membership selection process that reasonably reflects the District's population?

B. Has the Board appointed:

- 2 co-chairs for the advisory board?
- a parent of a child attending a school in the District as one of the co-chairs?
- parents (a majority of whom are not employed by the District) of a child attending school in the District to be at least half of the members of the advisory board?
- students of the District to the advisory board?
- educators to the advisory board?
- local clergy to the advisory board?
- community health professionals to the advisory board?

C. Has the District sent written or electronic notice of an advisory board meeting to each member at least two weeks before the date of the meeting?

5420-F-1 Sex Education Advisory Board Checklist

D. Has the advisory board done all of the following:

- Established program goals and objectives for student knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases?
- Reviewed the materials and methods of instruction used and made recommendations to the Board for implementation? The advisory board must take into consideration the District's needs, demographics, and trends, including, but not limited to, teenage pregnancy rates, sexually transmitted disease rates, and incidents of student sexual violence and harassment.
- Evaluated, measured, and reported the attainment of program goals and objectives (must be done at least once every two years)?

E. Has the Board made the advisory board's report available to parents?

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5400 Curriculum, Instruction, and Parent/Guardian Involvement

5420-F-2 Sex Education Opt-Out Form

The [District Name] provides an elective class on sex education, including family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. The materials and instruction, which are considered age-appropriate and medically accurate, will do all of the following:

- discuss the benefits of abstaining from sex until marriage and of ceasing sex if a student is sexually active;
- include a discussion of the possible emotional, economic, and legal consequences of sex;
- stress that unplanned pregnancy and sexually transmitted diseases are serious consequences of sex that are not fully preventable except by abstinence;
- advise students of the laws pertaining to their responsibility as parents to children born in and out of wedlock;
- ensure that students are not taught in a way that condones the violation of the laws of this state pertaining to sexual activity, including, but not limited to, criminal sexual conduct;
- teach students how to say "no" to sexual advances and that it is wrong to take advantage of, harass, or exploit another person sexually;
- teach refusal skills and encourage students to resist pressure to engage in risky behavior;
- teach that the student has the power to control personal behavior;
- teach students to base their actions on reasoning, self-discipline, a sense of responsibility, self-control, and ethical considerations such as respect for self and others;
- provide instruction on healthy dating relationships and on how to set limits and recognize a dangerous environment;
- provide information for students about how young parents can learn more about adoption services and about the provisions of the safe delivery of newborns law; and
- include information clearly informing students that having sex or sexual contact with an individual under age 16 is a crime punishable by imprisonment and that one of the other results of being convicted of this crime is to be listed on the sex offender registry on the internet for up to 25 years.

I acknowledge that the District provided me with: (1) advance written notice of both the course and the content of the course instruction; (2) the opportunity to review the materials to be used in the course; and (3) the right to have my child excused from the class instruction without penalty or loss of academic credit.

I request that my child, _____, be excused from attending classes in which the above-listed subjects will be discussed.

Parent's/Guardian's Signature _____ Date _____

Parent's/Guardian's Name (Print): _____

Series 5000: Students, Curriculum, and Academic Matters

5400 Curriculum, Instruction, and Parent/Guardian Involvement

5421 Work-Based Learning Experience

The District permits students to participate in approved work-based learning (WBL) experiences. All WBL experiences must comply with applicable law, regulations, and guidance, particularly those applicable to the employment of minors, workplace safety, workers' compensation, nondiscrimination, and unlawful harassment.

A WBL experience will be coordinated by the District through a training agreement with an employer. The employer must provide a training plan, acceptable to the District, which explains how the WBL experience relates to the student's educational objectives. The WBL experience must be supervised by the employer and monitored by a certified teacher employed by the District or an individual working under a valid substitute permit, authorization, or approval issued by MDE. The training agreement and training plan must comply with MDE guidance and be in effect by the applicable pupil count day. A copy of the training agreement and training plan will be kept on file at the District and with the employer.

A WBL experience may be paid or unpaid.

The Superintendent will designate a WBL Coordinator who will determine whether a proposed WBL experience complies with applicable state and federal laws, regulations, and guidance and is consistent with the student's educational objectives.

If the WBL Coordinator denies a student's request for a WBL experience, the student may appeal the decision to the Superintendent or designee, whose decision is final.

If the WBL Coordinator determines during the course of the WBL experience that the experience or worksite no longer complies with the approved training plan, District Policy, or state or federal laws, regulations, or guidance, the WBL Coordinator will, in consultation with the Superintendent or designee, determine whether the WBL experience should continue.

Credit for a WBL experience will be consistent with Policy 5409 and the applicable student handbook.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5501 Fundraising Activities

Student fundraising activities are subject to review and approval by the Superintendent or designee.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5502 *Student Government*

The purpose of student government is to provide students with leadership opportunities and experience in the representative democratic process.

Students may organize a student government, elect officers and representatives, conduct meetings, and engage in approved activities and functions designed to be beneficial to the student body.

A student government organization must be supervised by a staff member. A student government organization's charter, constitution, or bylaws will be subject to review and approval by the Superintendent or designee.

Date adopted: November 8, 2021

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Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5503 *Bulletin Boards and Other Student Postings*

Space may be provided within school buildings or on school electronic media for students and student organizations to post notices related to student groups. The following general limitations apply:

- A. All postings will be subject to the review and approval of the appropriate building administrator or designee. Students may not post any material containing any statement or expression that is libelous, obscene, or vulgar; violates Board policy, including the student code of conduct; promotes illegal substances (including, but not limited to, substances that are illegal for minors to possess or consume); or is otherwise unsuitable for or disruptive to the school environment.
- B. All postings must identify the student or the student organization responsible for posting the notice.
- C. The building principal or designee may remove any posted material after a reasonable time, as determined in the building principal's or designee's discretion.

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Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5504 School-Sponsored Publications and Productions

School-sponsored student publications and productions are part of the District's instructional program. The Board supports the development of student communication skills through school-sponsored student publications and productions, which may include newspapers, yearbooks, theatrical performances, and electronic media.

All school-sponsored student publications and productions are nonpublic forums and must conform to high scholastic and professional journalistic standards. The Superintendent or designee may regulate the style and content of student publications and productions for legitimate pedagogical reasons. The Superintendent or designee may review and prohibit any school-sponsored student publication or production that does not conform to these standards or that contains material considered vulgar, profane, or unsuitable for or disruptive to the school environment.

Any advertisements contained in a school-sponsored publication or production must comply with Policy 3308.

Legal authority: U.S. CONST. amend. I

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5505 School Attendance on Days of Scheduled Activities

Students who are absent from school for any part of the school day are not permitted to participate in an extracurricular activity, practice, competition, or performance on the day of absence unless the student has prior permission to participate from the building principal or designee.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5506 *Field Trips*

Field trips should generally be conducted during the school day.

A. General Conditions

All field trips must be pre-approved by the building principal or designee. Out-of-state and overnight trips require pre-approval from the Board or its designee. Field trips should be primarily academic in nature and related to the curriculum. The Superintendent or building principal(s) will develop procedures for approval of trips and communicate those procedures to instructional staff.

B. Parent/guardian Permission

Each student must submit a completed permission form signed by the student's parent/guardian before being allowed to attend a field trip.

C. Supervision

Teachers must ensure that students are adequately supervised and chaperoned by a responsible adult at all times during field trips. All chaperones must be at least age 21. A chaperone who drives students must possess a valid driver's license. A chaperone who drives students in a private vehicle must possess adequate insurance coverage and a safe driving record. A chaperone is prohibited from drinking alcoholic beverages or using non-prescribed controlled substances at any time during the field trip. A chaperone must adhere to all District and building volunteer requirements, including Policy 3105.

The District may deny or terminate a chaperone assignment for any lawful reason.

The District will not prohibit an eligible student from participating in a field trip solely because the student's parent/guardian does not chaperone.

D. Student Conduct

A student's failure to comply with Board Policy, the student code of conduct, and any other applicable rules or behavioral expectations while on a field trip may result in disciplinary action and removal or exclusion from the trip.

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Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5506-F Field Trip Permission Form

[NOTE: If a field trip poses any unique safety risks, a more comprehensive permission and waiver form may be warranted. In that event, we recommend contacting legal counsel. Further, while this form is recommended, it does not create an absolute defense against possible liability.]

On [date], your student’s class, team, or school group is participating in a field trip to [field trip location/name]. The field trip is optional. Students not participating must report to school. A student will not be permitted to attend the field trip unless a parent/guardian signs and submits this form.

By signing this form, I give permission for the student listed below to participate in the field trip and I agree to the following terms:

1. My student and I understand that the student will be expected to follow all directives given by the teacher, field-trip leader, or chaperone as well as all Board policies and school rules. Failure to follow a directive, policy, or rule may result in discipline.
2. I understand that all field trips include risks of harm that are beyond the District’s control.
3. I agree to reimburse the District and hold it harmless for any damages or injuries that my student sustains during the field trip.
4. I agree to reimburse the District and hold it harmless for any damages or injuries that my student causes during the field trip.
5. I understand that if I have questions about the field trip or about the risks associated with the field trip, I may contact those individuals responsible for organizing the field trip.
6. I authorize teachers, field-trip leaders, and chaperones to seek medical treatment for my student if, in their opinion, medical treatment is warranted. I agree that I will be financially responsible for any medical treatment provided to my student.

Student’s Name: _____

Emergency Contact Name

Emergency Contact Phone Number

By signing below, I assert that I am the parent/guardian of the above-listed student, that I give permission for the above-listed student to attend the field trip, and that I agree to all of the terms described above.

Parent’s/Guardian’s Signature

Printed Name

Date

Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5507 *Extracurricular Activities*

A. General Purpose

Extracurricular activities, while an important part of the total school experience, are secondary to the academic program. Participation in extracurricular activities is a privilege, not a right.

Extracurricular activities *do not* include:

1. co-curricular activities such as band and choir, in which students must participate as part of the requirements for enrollment in and receiving a grade for a particular course; or
2. student-initiated, noncurricular student groups, which are permitted to hold meetings and events on school premises. These groups are not school-sponsored and are governed by Policies 3304 and 5510.

B. Governance

The District has exclusive control over extracurricular activities including, but not limited to, formation, naming, structure, operation, financing, and discontinuance.

Students and sponsors are governed by all Policies, applicable codes of conduct, and any other applicable rules or behavioral expectations.

Extracurricular groups may use District facilities consistent with Policy 3304.

C. Student Eligibility

Students are encouraged to participate in extracurricular activities. Participation is open to students who meet the eligibility requirements established by the District and any applicable governing body.

Students who wish to participate in extracurricular activities must abide by Board Policy, applicable codes of conduct, and any other applicable rules or behavioral expectations. A student's failure to comply with Board Policy, applicable codes of conduct, and any other applicable rules or behavioral expectations may result in disciplinary action and exclusion from extracurricular activities.

Students who participate in interscholastic athletics may not use performance-enhancing substances. Performance-enhancing substances include any substance banned by the NCAA. Students who use performance-enhancing substances may be disciplined or excluded from the activity.

D. Advisors and Coaches

Each extracurricular activity must have an advisor who is a District employee or a selected community member who is qualified by virtue of education, training, experience, or special interest to serve as the advisor, as determined by the Superintendent or designee.

The Superintendent or designee will assign activity advisors. Advisors serve at the will of the Superintendent, who may remove an activity advisor in the Superintendent's sole discretion, absent contrary contractual provisions.

Sponsors may be required to develop materials, activities, and a budget; promote membership and participation; communicate with the building principal or designee, staff, students, and parents/guardians; schedule meeting dates and locations; plan meaningful experiences; supervise students during activities; evaluate and make program recommendations; and submit a year-end report to the building principal or designee.

E. Fundraising Activities

Fundraising activities must comply with Policy 5501.

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Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5508 Extracurricular and Athletic Trips

The Superintendent or designee will annually publish in the student handbook(s) procedures for student transportation to and from extracurricular and athletic events. The procedures will comply with Policy 3105.

A student's failure to comply with Board Policy, the student code of conduct, and any other applicable rules or behavioral expectations while on a trip may result in disciplinary action and exclusion from future trips.

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Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5509 Public Appearances of School Groups

The Board permits student groups to appear/perform at public events, subject to the following requirements:

- A. activity advisors must secure the permission of the building principal or designee before booking a student group at a public event;
- B. activity advisors are discouraged from booking student groups to perform on more than 1 school night (Sunday-Thursday) per week;
- C. student groups may not be required to perform at a political rally or event;
- D. student groups may not be required to perform at religious ceremonies; and
- E. a student's failure to comply with Board Policy, the student code of conduct, and any other applicable rules or behavioral expectations during public appearances may result in disciplinary action and exclusion from future appearances at public events.

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Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5510 *Student-Initiated, Non-Curricular Clubs*

Students may voluntarily form clubs that are not directly related to the curriculum to promote activities unrelated to the regular classroom environment. Membership in a student-initiated, non-curricular club must be open to all interested and eligible District students, and the club may not refuse membership to a student based on any protected classification under state or federal law.

Students seeking to create a student-initiated, non-curricular club must first obtain approval from the building principal. If the building principal denies approval, the students seeking to create the club may submit a written appeal to the Superintendent or designee within 5 school days after the denial. The Superintendent or designee must make a decision on the appeal within 15 school days after receiving the appeal. If the Superintendent denies the club approval, the students may submit a written appeal to the Board within 5 school days after the denial. The Board will be deemed to have received the appeal at its next regularly scheduled meeting and will consider and make its final decision on the appeal at its next regularly scheduled meeting following the meeting when it receives the appeal (i.e., the Board's final decision will be made by the second regularly scheduled meeting after the appeal is filed). The Board's decision is final.

Student-initiated, non-curricular clubs may not conduct activities on school property without prior permission from the building principal. Student initiated, non-curricular clubs are permitted to meet on school property only before or after the school day, or during lunch periods; they are not permitted to meet during instructional time. Meetings may not materially and substantially interfere with the orderly conduct of the school's educational activities or violate any Policy or state or federal law.

The District may assign a staff member to be present in a supervisory, but not participatory, capacity at meetings or activities of student-initiated, non-curricular clubs. Persons not affiliated with the District may not direct, conduct, control, or regularly attend meetings or activities of student-initiated, non-curricular clubs.

No public funds may be expended on behalf of the student-initiated, non-curricular clubs covered by this Policy except for the incidental cost of meeting space.

The District will comply with all applicable laws related to student-initiated, non-curricular clubs, including but not limited to the provisions of the Equal Access Act, and will not discriminate against or deny access to clubs or other groups protected by the Act.

Legal authority: 20 USC 4071; MCL 380.1299

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5500 School Sponsored and Extracurricular Activities

5511 *Secret Organizations*

Secret organizations are prohibited. School property or school buildings may not be used for the purpose of rushing or soliciting students to participate in any secret organization, fraternity, sorority, society, or association.

Legal authority: MCL 380.1316

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5600 Student Support Services

5601 Special Education

Eligible students with disabilities under the Individuals with Disabilities Education Act (IDEA) are entitled to a free appropriate public education through an individualized education program. The District will follow state and federal law and applicable rules and regulations in identifying, locating, evaluating, and educating students with disabilities.

IDEA-eligible students are protected from discrimination under Section 504 of the Rehabilitation Act, as outlined in Policy 5603.

Legal authority: 20 USC 1400 et seq.; 34 CFR Part 300; MCL 380.1701 et seq.; MARSE R 340.1701 et seq.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5600 Student Support Services

5602 *Independent Educational Evaluation*

- A. An independent educational evaluation (IEE) is an evaluation conducted by a qualified examiner(s) not employed by the District.

As permitted by state and federal law, a parent/guardian may be entitled to an IEE at District expense if the parent/guardian disagrees with an evaluation conducted by or for the District.

- B. The District will respond to an IEE request within 7 calendar days. The Superintendent or designee will establish criteria to obtain an IEE at District expense consistent with state and federal law. An IEE that fails to meet the criteria may not be eligible for payment by the District.
- C. A list of suggested sources from which an IEE may be obtained will be provided to the parent/guardian upon receipt of an IEE request. The parent/guardian is not restricted to choosing an independent evaluator from that list.

An IEE will be considered by the District at an IEP Team meeting for the student.

Legal authority: 20 USC 1415(b)(1); 34 CFR 300.502; MARSE R 340.1723c

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5600 Student Support Services

5602-F-1 Independent Educational Evaluation (IEE) Request Form

Parent's/Guardian's Name: _____

Student's Name: _____

I request an independent educational evaluation (IEE) at public expense for my student because I disagree with the following evaluations completed by the District:

(Optional): I disagree with the evaluations listed above because:

Parent/Guardian Signature

Date

Please return form to:

[Name of District Contact Person]
[Title of District Contact Person]
[Email Address of District Contact Person]

For Internal Use

Received by: _____

Date received: _____

Note: A parent/guardian is not required to use this form to initiate an IEE request. Michigan Administrative Rules for Special Education require the District to respond in writing to an IEE request within seven (7) calendar days.

Series 5000: Students, Curriculum, and Academic Matters

5600 Student Support Services

5602-F-2 Independent Educational Evaluation (IEE) Response - Grant Request

To be sent on District letterhead

[Date]

[Parent's/Guardian's Name]
[Parent's/Guardian's Address]

Re: Request for Independent Educational Evaluation (IEE) – [Student's Name]

Dear [Parent's/Guardian's Name]:

This letter is in response to your request for an independent educational evaluation (IEE) at public expense for [Student's Name], which was received by the District on [date].

The District believes that its evaluations are appropriate but, in an effort to resolve this matter without resorting to a due process hearing, the District will pay for an IEE at public expense if it meets the District's Criteria for Independent Educational Evaluations and Procedures for Reimbursement, a copy of which accompanies this letter. Upon receipt of an IEE that meets District criteria and the evaluator's invoice, the District will process payment.

A list of suggested sources from which an IEE may be obtained is also enclosed. You are not required to select an evaluator from this list, but you should consider whether the independent evaluator you have chosen has the credentials required by the District and the state for conducting the evaluation. Once the IEE has been completed and submitted to the District, an IEP Team Meeting will be convened to consider the IEE results.

Please complete the enclosed parent/guardian consent form and return it to me when you have selected an independent evaluator. Please contact me if you have any questions.

Sincerely,

[District's Contact Name]
[District's Contact Phone Number]

Enclosures: Criteria for Independent Educational Evaluation (IEE) at Public Expense
Suggested Sources of Independent Educational Evaluation (IEE)
Credentials for Independent Evaluators
Parent/Guardian Consent Form
Procedural Safeguards

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5602-F-3 Independent Educational Evaluation (IEE) Response – Deny Request

To be sent on District letterhead.

[Date]

[Parent's/Guardian's Name]
[Parent's/Guardian's Address]

Re: Request for Independent Educational Evaluation (IEE) – [Student's Name]

Dear [Parent's/Guardian's Name]:

This letter responds to your request for an independent educational evaluation (IEE) at public expense for your student, which was received by the District on [date].

The District believes that its evaluations for your student are appropriate; therefore, the District denies your IEE request and will initiate a due process hearing to demonstrate the appropriateness of the District's evaluations as is required by law. A copy of the due process complaint will be sent to you separately.

We remain open to discussing your concerns about the District's evaluations to see if we can resolve this dispute without resorting to a due process hearing. Please contact me if you are interested in trying to resolve this matter without a hearing.

Finally, enclosed with this letter is a copy of Notice of Procedural Safeguards, which describes the rights and obligations of parents/guardians of students with disabilities. If you need assistance in understanding these safeguards, the IEE, or hearing process, you may contact one of the following free or low-cost legal and non-legal resources:

Michigan Alliance for Families
(800) 552-4821
www.michiganallianceforfamilies.org

Disability Rights Michigan
(800) 288-5923
www.drmich.org

Sincerely,

[District's Contact Name]
[District's Contact Phone]

Enclosures: Notice of Procedural Safeguards

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5602-F-4 Independent Educational Evaluation Criteria

Criteria for Independent Educational Evaluation (IEE) at Public Expense and Procedures for Reimbursement/Payment

The [District's Name] establishes the following criteria and procedures for an independent educational evaluation (IEE) at public expense:

1. The parent/guardian will submit the parent's/guardian's disagreement and request for an independent educational evaluation (IEE) at public expense in a written, signed, and dated form. To assist the District in making its decision whether to grant an IEE request, the parent/guardian is asked, but is not required, to provide the reasons why the parent/guardian disagrees with the District's evaluation(s). An IEE request form is available from the Special Education/Special Services office, but the parent/guardian is not required to use that form to initiate an IEE request.
2. An IEE is an evaluation conducted by a qualified examiner or examiners who are not employed by the District responsible for the student's education.
3. The District must inform the parent/guardian before the evaluation if the proposed evaluator provides services to the District in addition to IEEs if the independent evaluator's identity is known to the District. An IEE will not be conducted by an independent evaluator who otherwise or regularly contracts with the District to provide services, unless the evaluator is agreeable to the parent/guardian.
4. The independent evaluator must be knowledgeable in the area of suspected disability and possess credentials (license, approval, certificate, etc.) which are the same, equivalent, or superior to those required by the District for special education evaluations, unless the parent/guardian demonstrates that unique circumstances justify the selection of an independent evaluator who does not meet the District's qualification criteria.
5. The independent evaluator will perform the IEE within [] miles of the District, unless the parent/guardian demonstrates that unique circumstances justify the selection of an independent evaluator outside of the district's geographic area.
6. A list of suggested sources from which an IEE may be obtained will be provided to the parent/guardian upon receipt of a request for an independent educational evaluation (IEE). The parent/guardian is not restricted to choosing an independent evaluator from that list.
7. The IEE must be conducted in compliance with the provisions of the Individuals with Disabilities Education Act, its implementing regulations, and any applicable state special education rules.

5602-F-4 Independent Educational Evaluation Criteria

8. The IEE should be completed within 30 school days of the grant of the IEE request. The evaluation report must include information needed to determine eligibility or related service needs and educational data which identifies the student's present level of academic achievement and functional performance. The information will be drawn from a variety of sources, including parent/guardian input, teacher input, academic and achievement testing, and a review of school records.
9. The independent evaluator must submit a signed copy of the evaluation report, along with a copy of any testing protocols and notes, and should indicate, as applicable, whether the student met eligibility criteria and the test/procedure results that support that conclusion; and the present level of academic achievement and functional performance of the student with the test/procedure results that support that conclusion. The report and protocols must be submitted to: [District's contact person, title, and address].
10. The reasonable expected total cost of the IEE is \$[redacted]. If a parent/guardian can demonstrate that unique circumstances exist to exceed this amount, the IEE may exceed this amount but the prior written approval of [District's contact person, title, address, phone number] is required. Failure to obtain prior written approval may result in non-payment of the excess cost if the evaluation is otherwise appropriate.
11. An invoice from the independent evaluator must be submitted to the District within 30 calendar days of the District's receipt of the evaluator's report. The invoice must indicate the portion of the cost of the evaluation that is directly related to the eligibility or present level of performance of the student and is not covered by third party payments. If the IEE is in accordance with the District's criteria and appropriately a public expense, the District will process payment to the evaluator.
12. Any IEE that fails to meet the above criteria may not be eligible for payment at public expense. The parent/guardian or independent evaluator will be notified by the District if payment for the IEE is denied.
13. If a parent/guardian obtains an IEE at public expense or shares with the District an evaluation obtained at private expense, the District will consider the evaluation results at an IEP Team meeting.
14. A parent/guardian is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent/guardian disagrees.

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5602-F-5 Suggested Sources for Independent Educational Evaluations (IEE)

The following is a list of suggested sources from which to obtain an independent educational evaluation (IEE). A parent/guardian is not required to select an evaluator from this list, but a parent/guardian should consider whether the independent evaluator chosen has the credentials required by the District to conduct the desired evaluation. This list is intended to be a resource for parents/guardians and is not a recommendation or endorsement by the District of any evaluator listed.

[Replace the sample list of independent evaluators and their evaluation area(s) below. This list should be periodically reviewed and updated for accuracy.]

[Dr. Jane Smith
Licensed Psychologist
123 IEE St.
Anywhere, MI
(517) 555-1234]

[Dr. John Doe
Clinical Psychologist
4321 Doctors Lane
Anywhere, MI
(517) 555-1222]

[Jane Doe, CCC-SLP
Speech Pathologist
567 Articulation Drive
Anywhere, MI
(517) 555-5678]

[Bill Johnson, MSW, SSW
School Social Worker
8910 Social Skills Ln
Anywhere, MI]

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5602-F-6 Credentials for Independent Evaluators

The independent evaluator(s) must possess credentials which are the same and equivalent or superior to those credentials required of public school employees. The following are the credentials established by the state for special education personnel, including evaluators:

Examiner	License, Certificate, Approval, or Registration Required
School Psychologist	MDE Certification
Psychologist	Fully Licensed Psychologist by the State of Michigan
School Social Worker	MDE Approval
Teacher of the Speech and Language Impaired	MDE Certification
Speech Pathologist	Certified by the American Speech-Language-Hearing Association (ASHA) and licensed by the State of Michigan
Occupational Therapist	Registration with the American Occupational Therapy Association and licensed by the State of Michigan
Physical Therapist	Licensed by the State of Michigan
Audiologist	Licensed by the State of Michigan
Music Therapist	Certified by the Certification Board for Music Therapists
Orientation & Mobility Specialist	Certified by Academy for Certification of Vision Rehabilitation & Education Professionals
Art Therapist	Certified by Art Therapy Credentials Board (ATCB)

Other types of evaluators must meet criteria or licensing as established by their professions. These may include, but are not limited to: psychiatrist, neurologist, orthopedic surgeon, internist, pediatrician, ophthalmologist, optometrist, otolaryngologist, and otologist.

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5602-F-7 Letter to Independent Evaluator

To be sent on District letterhead

[Date]

[Independent Evaluator's Name]
[Independent Evaluator's Address]

Re: Independent Educational Evaluation (IEE) – [Student's Name]

Dear [Independent Evaluator's Name]:

[Parent's/Guardian's Name], parent/guardian of student, [Student's Name], has requested that you conduct an independent educational evaluation (IEE) of the student. Enclosed for your review is the Parent/Guardian Consent for an Independent Educational Evaluation (IEE) and the District's Criteria for Independent Educational Evaluation (IEE) and Procedures for Reimbursement/Payment. The criteria describe the conditions that must be met for the cost of your evaluation to be paid for by the District. Upon completion of your evaluation, please forward a copy of your final report along with an invoice for services rendered to:

[District's Contact Person]
[Address]
[Phone number]
[Email Address]

Please contact me if you have any questions about the IEE, the District's IEE criteria and payment procedure, or if you need access to the student's education records, teachers, or service providers.

Sincerely,

[District's Contact Person]

Enclosures: Parent/Guardian Consent
District IEE Criteria

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5602-F-8 IEE Parent/Guardian Consent Form

**Parent/Guardian Consent for Independent Educational Evaluation (IEE)
and Authorization for Release and Exchange of Information**

Parent/Guardian Name: _____

Student Name: _____

I have been informed of my rights to an independent educational evaluation (IEE) at public expense and have received a copy of the District's Criteria for Independent Educational Evaluation (IEE) and Procedures for Reimbursement/Payment. I consent to an IEE of my student by the evaluator that I selected whose name appears below. I authorize the District to release information from my student's education record to the evaluator and consent to the release of the evaluator's report and test protocols to the District upon the IEE's completion.

Parent/Guardian Signature

Date

Evaluator Information

Independent Evaluator Name: _____

Independent Evaluator Title: _____

Address: _____

Phone Number: _____

Email Address: _____

Please provide a copy of the evaluator's license, certificate, approval, or brief statement of the evaluator's credentials (if available).

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5603 Section 504

The District does not discriminate against any student with a disability, as that term is defined in Section 504 of the Rehabilitation Act (Section 504), in any District program or activity. Any claim of disability-based discrimination will be addressed pursuant to Policy 5202.

Eligible students are entitled to a free appropriate public education through a Section 504 plan. Students with disabilities who are also eligible for services under Policy 5601 will receive a free appropriate public education through an IEP.

The District will follow federal law and applicable regulations and guidance in identifying, locating, evaluating, and educating students with disabilities under Section 504. The Superintendent or designee will develop and implement procedures for identifying and serving eligible students under Section 504 that are consistent with federal law.

For purposes of this Policy, a free appropriate public education means the provision of regular or special education and related services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, and that are provided without cost (except for District fees imposed on students without disabilities and their parents/guardians).

Date adopted: November 8, 2021

Date revised:

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5603-F-1 Section 504 Checklist

Student Name: _____ Date of Birth: _____

School Building Attending: _____ Grade: _____

Section 504 Referral

- Received signed Section 504 Referral for Evaluation (5603-F-2)
- Date received by the District: _____

Parent/Guardian Consent for Evaluation

- Provide parent/guardian Section 504 Notice of Referral and Request for Consent to Evaluate (5306-F-4) and Parent/Guardian Consent Form (5306-F-5)
- Provide parent/guardian Section 504 Notice of Procedural Safeguards (5603-F-3)
- Date parent/guardian consent received by the District: _____
- Date evaluation should be completed: _____
(30 school days from date consent received for initial evaluation)

Evaluation Process

- Identify Section 504 team members (persons who are knowledgeable about the student, the meaning of evaluation data, and placement options)
- Determine needed evaluation data. **Note:** Evaluation information should be obtained from a variety of sources
- Seek parent/guardian consent to obtain medical information, if appropriate (5603-F-6)
- Send Letter to Physician (5603-F-7) and Physician's Statement (5603-F-8)
Note: A parent/guardian is not required to provide the District medical information or permission to contact the student's physician
- Use Teacher Input Form (5603-F-9), if appropriate

Section 504 Meeting

- Determine date, time, and location of meeting
- Notify Section 504 team members of meeting date, time, and location
- Send parent/guardian Section 504 Meeting Notice and Invitation (5603-F-10)
- Convene meeting and complete Section 504 Plan (5603-F-11)
- Provide parent/guardian Notice of Procedural Safeguards (5603-F-3)
- If parent/guardian is not present at meeting, send copy of paperwork, including Notice of Procedural Safeguards, to home address

Section 504 Plan Implementation

- Notify persons with implementation responsibilities of the Plan's existence and their responsibilities under the Plan
- Monitor the student's progress and the effectiveness of the Plan
- Review the Plan at least annually and whenever the student's situation warrants review
- Reevaluate at least every three years

5603-F-2 Section 504 Referral for Evaluation

Has the student been referred for, evaluated, or provided special education or 504 services in the past? Yes No

If yes, explain: _____

Person Making Referral: _____

Title/Position: _____

Phone: _____ Email: _____

Please submit form to: [504 Coordinator Name]
[504 Coordinator Title]
[504 Coordinator Street Address]
[504 Coordinator City State Zip]
[504 Coordinator Phone]

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5603-F-3 Notice of Section 504 Procedural Safeguards

The following is a brief summary of the rights provided by Section 504 of the Rehabilitation Act of 1973 to students with disabilities, or suspected disabilities, and some related rights provided by Title VI of the Civil Rights Act of 1964 and the Family Educational Rights and Privacy Act. The intent of the law is to keep you fully informed about decisions concerning your student and to inform you of your rights in the event you disagree with any decisions concerning your student. You have the right to:

- A. have the District advise you of your rights under federal law;
- B. receive notice about Section 504 identification, evaluation, and/or placement of your student;
- C. have an evaluation and placement decision for your student based on information from a variety of sources and which is made by a team of persons knowledgeable about the student, the meaning of evaluation data, and placement options;
- D. have your student, if Section 504 eligible, receive a free appropriate public education, which is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of your student as adequately as the needs of students without disabilities are met;
- E. have your student, if Section 504 eligible, be educated with non-disabled students to the maximum extent appropriate;
- F. have your student take part in and receive benefits from the District without discrimination on the basis of disability;
- G. have your student educated in facilities and receive services comparable to those provided to non-disabled students;
- H. examine all relevant records of your student, including those relating to decisions about your student's Section 504 identification, evaluation, educational program, and placement; and obtain copies of those records at a reasonable cost, unless the fee would effectively deny you access to the records;
- I. receive information in your native language and primary mode of communication;
- J. have a periodic re-evaluation of your student, including an evaluation before any significant change of placement;
- K. have your student be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District;

5603-F-3 Notice of Section 504 Procedural Safeguards

- L. request and participate in an impartial due process hearing regarding the identification, evaluation, or placement of your student, including a right to be represented by counsel in that process and to appeal an adverse decision;
- M. file a complaint in accordance with the District's grievance procedures or with the U.S. Department of Education, Office for Civil Rights.

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5603-F-4 Section 504 Notice of Referral and Request for Consent to Evaluate

To be sent on District letterhead

[Date]

[Parent's/Guardian's Name]

[Parent's/Guardian's Address]

Re: Notice of Referral and Request for Consent to Evaluate – [Student's Name]

Dear [Parent's/Guardian's Name]:

Your student has been referred for an evaluation under Section 504 of the Rehabilitation Act of 1973 ("Section 504"). Section 504 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance and requires the District to provide eligible students a free appropriate public education designed to meet the student's individual educational needs as adequately as the needs of non-disabled students are met.

To be eligible for services under Section 504, a student must have a physical or mental impairment that substantially limits one or more major life activities. In determining whether a student meets these criteria, the District will draw upon information from a variety of sources which may include:

- School records
- Observations
- Standardized tests or other assessments
- Parent/Student/Teacher interviews
- Behavior rating scales or other checklists
- Pertinent medical information
- Information provided by the parent/guardian
- Other relevant information

Your student's teacher(s), building administrator, counselor, and other individuals (school psychologist, school nurse, etc.) may be involved in the evaluation process. Once the evaluation is completed, a meeting will be scheduled to discuss the results of the evaluation. You will be notified of the time, date, and location of the meeting and are welcome to attend and participate in the decision-making process.

The purpose of this letter is to advise you that the District proposes to evaluate your student under Section 504 and to obtain your consent for the evaluation. Enclosed is a copy of the Notice of Section 504 Procedural Safeguards which describes the rights afforded parents under Section 504.

5603-F-4 Section 504 Notice of Referral and Request for Consent to Evaluate

Please indicate on the enclosed form your consent for the Section 504 evaluation and return this form to me as soon as possible. Please feel free to contact me if you have any questions.

Sincerely,

[504 Coordinator Name]
[504 Coordinator Title]
[504 Coordinator Street Address]
[504 Coordinator City State Zip]
[504 Coordinator Phone]

Enclosures: Notice of Section 504 Procedural Safeguards (5603-F-3)
Parent/Guardian Consent Form (5603-F-5)

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5603-F-5 Section 504 Parent/Guardian Consent Form

Student Name: _____ Date of Birth: _____

School Building Attending: _____ Grade: _____

Parent/Guardian Name: _____

Address: _____

Phone: _____ Email: _____

Consent for Section 504 Evaluation

I understand that my student has been referred for an evaluation under Section 504. The evaluation will draw upon information from a variety of sources, which may include, but is not limited to: a school record review, observations of the student, parent/student/teacher input or interviews, assessments, and other relevant information. The purpose of the evaluation is to determine whether my student is eligible for services under Section 504.

- Check all that apply: I have received a copy of the Notice of Section 504 Procedural Safeguards.
 I consent to the Section 504 evaluation.
 I do not give permission for the Section 504 evaluation.

Signature of Parent/Guardian Date

Please submit form to: [504 Coordinator Name]
[504 Coordinator Title]
[504 Coordinator Street Address]
[504 Coordinator City State Zip]
[504 Coordinator Phone]

For Internal Use

Date consent form received by District: _____

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5603-F-6 Section 504 Authorization for Release and Exchange of Medical Information

To be sent on District letterhead

Student Name: _____ Date of Birth: _____

School Building Attending: _____ Grade: _____

Parent/Guardian Name: _____

Address: _____

Phone: _____ Email: _____

I authorize the release and exchange of otherwise confidential medical information between the District and:

Physician's Name: _____

Address: _____

Phone: _____ Fax: _____

I understand that any information released or exchanged will be treated in a confidential manner by the District and will not be transmitted to a third party without my permission. This authorization is valid for a period of ninety (90) days unless earlier revoked by me in writing.

Signature of Parent/Guardian Date

Relationship to Student: _____

Please submit form to: [504 Coordinator Name]
[504 Coordinator Title]
[504 Coordinator Street Address]
[504 Coordinator City State Zip]
[504 Coordinator Phone]

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5603-F-7 Section 504 Cover Letter to Physician

To be sent on District letterhead

[Date]

[Physician's Name]

[Medical Facility/Practice Name]

[Physician's Street Address]

[Physician's City State Zip]

Re: [Student's Full Name and Date of Birth]

Dear [Physician Name]

The above-named student is currently being evaluated by the District for the purpose of determining the student's eligibility for services under Section 504 of the Rehabilitation Act of 1973. To be eligible under Section 504, the student must have a physical or mental impairment that substantially limits a major life activity.

Enclosed is an authorization for release of information to the District signed by the student's parent/guardian. Please assist us with our evaluation by completing and returning the enclosed Physician's Statement no later than [Insert date by which District requires the information].

Please submit form to: [504 Coordinator Name]
[504 Coordinator Title]
[504 Coordinator Street Address]
[504 Coordinator City State Zip]

We appreciate your assistance in this evaluation process. Please contact me if you have any questions. Thank you in advance for your cooperation.

Sincerely,

[504 Coordinator Name]
[504 Coordinator Phone]

c: [Parent/Guardian Name]

Enclosures: Physician's Statement
Authorization for Release of Information

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5603-F-8 Section 504 Physician's Statement

Student Name: _____ Date of Birth: _____

Please provide the following information to assist the District in its Section 504 evaluation and attach any supporting documentation.

1. Does the student have a physical or mental impairment? Yes No

If yes, what is the student's diagnosis?

2. Describe the student's current prognosis and the nature and extent of possible change in the student's condition?

3. What are the anticipated effects of the physical or mental impairment on the student's ability to access, participate in, or benefit from the school/educational experience?

4. Does the student have any other special health/medical issues of which the District should be aware which could affect the student in the school setting?

5603-F-8 Section 504 Physician's Statement

5. Is the student currently on any medication of which the District should be aware?

Yes No If yes, please list medication(s), dosage, and frequency.

6. Additional comments to assist in educational planning for the student.

Physician's Signature

Date

Physician's Printed Name

Phone

Address

Email

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5603-F-9 Section 504 Teacher Input Form

Student's Name: _____ Date of Birth: _____

Teacher's Name: _____ Grade/Class: _____

1. Do you have any concerns about this student? Yes No

If yes, please specify the type of concerns:

Academic concerns (describe): _____

Behavioral concerns (describe): _____

Other concerns (describe): _____

5603-F-9 Section 504 Teacher Input Form

2. Please list any accommodations, interventions, or strategies you have used to address the above concern(s) and indicate how the student responded to the intervention.

3. The student's current grade or performance in class is: _____

4. Would the student have earned this grade without the accommodations, interventions, or strategies you used to address the concern(s)? Yes No

5. Additional comments: _____

Teacher's Signature

Date

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5603-F-10 Section 504 Meeting Notice and Invitation Letter

To be sent on District letterhead

[Date]

[Parent's/Guardian's Name]
[Parent's/Guardian's Address]

Re: Section 504 Meeting Notice for [Student's Name]

Dear [Parent's/Guardian's Name]:

You are invited to attend a meeting to determine or review your student's eligibility for services under Section 504 of the Rehabilitation Act of 1973. If it is determined that your student [is or continues to be] eligible, a Section 504 Plan will be [developed or reviewed and revised] at this meeting.

The meeting will be held on: [Meeting Date and Time]
[Location/Building]
[Meeting Street Address]
[Meeting City State Zip]

The District has invited the following persons to attend the meeting:

[Invitee's Name and Position/Title]
[Invitee's Name and Position/Title]
[Invitee's Name and Position/Title]
[Invitee's Name and Position/Title]
[Invitee's Name and Position/Title]
[Invitee's Name and Position/Title]

You are encouraged to attend this meeting and participate in the decision-making process. If the meeting date or time is not convenient for you, please contact me at your earliest convenience and we will attempt to make other arrangements.

Please feel free to contact me if you have any questions.

Sincerely,

[504 Coordinator Name]
[504 Coordinator Title]

Enclosures: Notice of Section 504 Procedural Safeguards (5603-F-3) and Envelope

5603-F-10 Meeting Notice and Invitation Letter

Please return this portion of the form in the enclosed envelope.

I will attend the Section 504 meeting.

I am not able to attend and request the meeting be rescheduled.

I am not able to attend but request that the meeting be held without me and that the paperwork be sent to my home address.

Student's Name (Print) _____ Parent's/Guardian's Name (Print) _____

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5603-F-11 Section 504 Plan

Date of Meeting: _____

Student Information

Student's Name: _____ Date of Birth: _____

School Building Attending: _____ Grade: _____

Parent's/Guardian's Name: _____

Address: _____

Phone: _____ Email: _____

Purpose of Meeting

- Initial Review Redetermination

Parent Contact

Method of Contact: _____

Contacted By: _____

Date Contacted: _____

Meeting Participants

Team members should include persons knowledgeable about the student, the meaning of evaluation data, and placement options.

Parent/Guardian: _____

Parent/Guardian: _____

Student's
Teacher: _____

Administrator/Designee: _____

Other: _____

Other: _____

Summary of Evaluation Information

Based on the evaluation information reviewed:

1. Does the student have a physical or mental impairment? Yes No

If yes, specify the impairment: _____

2. Does the impairment substantially limit one or more major life activities?

Yes No If yes, specify the major life activity(ies) and describe how the impairment substantially limits the activity(ies)

Eligibility Determination

- Student is not eligible under Section 504
- Student is eligible under Section 504
- Student has a qualifying disability under Section 504 but does not require a Section 504 Plan at this time.

Rationale:

Accommodation Plan

(Complete this section only if student is determined eligible)

List the regular or special education, related aids, and services that are necessary for this student to receive a free appropriate education and to have equal access and opportunity to participate in school programs and activities. Each service or accommodation should be directly related to the substantial limitation caused by the student's impairment. Attach additional pages as necessary.

Area of Need: _____

Service/Accommodation: _____

Person Responsible: _____

Area of Need: _____

Service/Accommodation: _____

Person Responsible: _____

Area of Need: _____

Service/Accommodation: _____

Person Responsible: _____

Area of Need: _____

Service/Accommodation: _____

Person Responsible: _____

Area of Need: _____

Service/Accommodation: _____

Person Responsible: _____

Notice of Intent to Implement Section 504 Plan

Plan implementation date: _____ Next review date: _____

Person responsible for implementation: _____

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5603-F-12 Section 504 Grievance Procedure

The District has, consistent with Policy 5202, adopted the following Grievance Procedure for addressing complaints alleging disability discrimination or harassment under Section 504 perpetrated by employees, students, or third parties. A person is not required to use this procedure and may instead file a complaint directly with the U.S Department of Education's Office for Civil Rights, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115.

Step 1: A person who believes that he/she has been discriminated against by the District is encouraged, but is not required, to discuss the matter informally with the appropriate building principal.

- A. If the building principal is the subject of the complaint, the grievant may, instead, contact the District's Section 504 Coordinator.
- B. The person receiving the complaint shall verbally convey his/her findings both to the person who alleged the violation and the person who is the subject of the complaint within 10 business days.

Step 2: If the informal Step 1 process does not resolve the matter, or if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to the District's Section 504 Coordinator who will investigate the complaint.

- A. If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent of Schools who will appoint another administrator to conduct the investigation.
- B. The complaint shall be signed by the grievant and include the:
 - 1. grievant's name and contact information;
 - 2. facts of the incident or action complained about;
 - 3. date of the incident or action giving rise to the complaint;
 - 4. type of discrimination alleged to have occurred; and
 - 5. specific relief sought.

Witness names and other evidence as deemed appropriate by the grievant may also be submitted.

- C. An investigation of the complaint will be initiated consistent with Policy 5202. The investigation shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint.

5603-F-12 Section 504 Grievance Procedure

D. A written disposition of the complaint shall be issued consistent with Policy 5202. Copies of the disposition will be given both to the grievant and the person who is the subject of the complaint.

Step 3: If the grievant wishes to appeal the decision in Step 2 above, he/she may submit a signed, written appeal using the procedures outlined in Policy 5202. Copies of the response shall be provided both to the grievant and the person who is the subject of the complaint.

The District provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Grievance Procedure. Further, a grievant making a complaint is neither required to prosecute the matter nor confront the alleged discriminator or harasser when that would be inappropriate. If the District determines that disability discrimination or harassment has occurred, the District will take steps to prevent its recurrence and to correct its discriminatory effects on the complainant and others, if appropriate.

If you have questions regarding these procedures or want to file a complaint, please contact the District's Section 504 Coordinator:

[504 Coordinator Name]
[504 Coordinator Title]
[504 Coordinator Street Address]
[504 Coordinator City State Zip]
[504 Coordinator Phone]

Series 5000: Students, Curriculum, and Academic Matters

5600 Student Support Services

5603-F-13 Section 504 Complaint Form

Injured Party

Name: _____

Address: _____

Phone: _____ Email: _____

Date of Birth: _____ Grade: _____

School Building Attending: _____

Complainant's Information

Name: _____

Relationship to Student: _____

Address: _____

Phone: _____ Email: _____

Complaint Details

1. Describe the alleged violation of Section 504. Please be specific and describe the specific incident(s), as well as identify the individuals involved, dates/times/locations, etc. Attach additional pages if needed.

5603-F-13 Section 504 Complaint Form

2. Describe your proposed resolution to address the alleged problem(s)/violation(s).

Complainant's Signature

Date

Return Completed Form To

[504 Coordinator Name]
[504 Coordinator Title]
[504 Coordinator Street Address]
[504 Coordinator City State Zip]
[504 Coordinator Phone]

A person who believes that he/she has been discriminated against by the District on the basis of disability may file a complaint through the District's grievance procedure. A complaint may also be filed with the Office for Civil Rights (OCR), U.S. Department of Education, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115. You may file a complaint with OCR at any time. Filing a complaint with the District is not a prerequisite to filing with OCR.

Series 5000: Students, Curriculum, and Academic Matters

5600 Student Support Services

5603-F-14 Section 504 Manifestation Determination Meeting Notice and Invitation Letter

To be sent on District letterhead

[Date]

[Parent's/Guardian's Name]
[Parent's/Guardian's Address]

Re: Manifestation Determination Meeting Notice for [Student's Name]

Dear [Parent's/Guardian's Name]:

You are invited to attend a Section 504 manifestation determination meeting to review whether your student's misconduct was a manifestation of [his/her] disability.

The meeting will be held on: [Meeting Date and Time]
[Meeting Street Address]
[Meeting City, State Zip]

The District has invited the following persons to attend the meeting:

[Invitee's Name and Position/Title]
[Invitee's Name and Position/Title]
[Invitee's Name and Position/Title]
[Invitee's Name and Position/Title]
[Invitee's Name and Position/Title]

You are encouraged to attend this meeting and participate in the decision-making process. If the meeting date or time is not convenient for you, please contact me at your earliest convenience and we will attempt to make other arrangements.

Please feel free to contact me if you have any questions.

Sincerely,

[504 Coordinator Name]
[504 Coordinator Title]

Enclosure (Envelope)

5603-F-14 Section 504 Manifestation Determination Meeting Notice and Invitation Letter

Please return this portion of the form in the enclosed envelope.

I will attend the manifestation determination meeting.

I am not able to attend and request the meeting be rescheduled.

I am not able to attend but request that the meeting be held without me and that the paperwork be sent to my home address.

Student's Name (Print) _____ Parent/Guardian's Name (Print) _____

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5600 Student Support Services

5603-F-15 Section 504 Manifestation Determination Review Form

Date of Review: _____ Date of Current Section 504 Plan: _____

Student Information

Student's Name: _____ Date of Birth: _____

School Building Attending: _____ Grade: _____

Parent's/Guardian's Name: _____

Address: _____

Phone: _____ Email: _____

Parent Contact

Method of Contact: _____

Contacted By: _____

Date Contacted: _____

Meeting Participants

Team members should include persons knowledgeable about the student, the meaning of evaluation data, and placement options.

Parent/Guardian: _____

Parent/Guardian: _____

Student's
Teacher: _____

Administrator/Designee: _____

Other: _____

Other: _____

Other: _____

Other: _____

Current Drug or Alcohol Use

- 1. Does the student currently engage in the illegal use of drugs or alcohol?
 Yes No

- 2. Is the student being disciplined for the possession or use of illegal drugs or alcohol?
 Yes No

If the answer to both questions is yes, the student is not entitled to a manifestation determination review and the student may be disciplined to the same extent that such disciplinary action is taken against students without disabilities.

Considerations for Review

In carrying out a manifestation determination review, the 504 Team shall:

- 1. Describe the behavior or incident that is subject to discipline.

- 2. Review and summarize relevant information in the student's file.

Manifestation Determination

In relation to the behavior subject to discipline (see previous page):

1. Was the conduct in question caused by or did it have a direct and substantial relationship to the student's disability? Yes No
2. Was the conduct a direct result of the District's failure to implement the Section 504 plan? Yes No

If the Section 504 Team answers "Yes" to either of the questions above, then the behavior is a manifestation of the student's disability.

The Section 504 Team's determination is that the behavior subject to discipline:

- (Check one) Is not a manifestation of the student's disability (school personnel may apply relevant disciplinary procedures applicable to all students).
- Is a manifestation of the student's disability.

Signature of Section 504 Coordinator/Designee

Date

Parent Guardian Signature

- I have received the Notice of Section 504 Procedural Safeguards (5603-F-3).
- I agree with the determination above.
- I disagree with the determination above and understand that I have the right to request an impartial due process hearing by filing a written request for a hearing with the Section 504 Coordinator.

Signature of Parent/Guardian

Date

Series 5000: Students, Curriculum, and Academic Matters

5600 Student Support Services

5604 Student Assistance Process

The District may use general education student assistance teams to consider and create strategies to meet the needs of students who are struggling academically or behaviorally. District personnel who suspect that a student may have a disability under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act must immediately refer the student for an evaluation.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5701 Child Abuse and Neglect

Mandated reporters must immediately report all instances of suspected child abuse or neglect pursuant to Michigan's Child Protection Law and Policy 4202. All other employees, volunteers, and contractors who are not mandated reporters are also expected to immediately report all instances of suspected child abuse or neglect.

The District will cooperate with Children's Protective Services (CPS) during an investigation of suspected child abuse or neglect. Cooperation may include allowing CPS access to a student without parent/guardian consent if CPS determines access is necessary to complete the investigation or prevent abuse or neglect. The District will not impose conditions on the investigator or investigation beyond what is permitted by law.

Before a CPS investigator is given access to a student, the building principal or designee will verify the investigator's credentials.

The building principal or designee may be present for the student's interview, at the discretion of CPS. If CPS seeks to remove a student from school, the building principal or designee will: (1) provide CPS with the student's parent/guardian phone number and address; and (2) request that the CPS official sign a statement certifying that the student is being removed because of safety-related concerns. If the CPS official refuses to or is unable to sign the requested certification, the building principal or designee will document the removal, including the name(s) of the CPS official(s) removing the student, the stated reason(s) given for the removal, the identity of the person(s) witnessing the removal, and the date and time of the removal.

The District may share student records with CPS only as permitted by Policy 5309 and the Family Educational Rights and Privacy Act.

If the District makes a report to CPS, the District will maintain a copy of the written report with the reporter's identity redacted. The reporter's identity will remain confidential unless disclosure is authorized by the reporter's consent or by court order.

"Mandated reporter" means a physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or child neglect.

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

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5702 *Student Illness and Injury*

- A. Parents/guardians are expected to report student absences due to illness or injury to the building principal or designee. Students and parents/guardians should communicate with school staff to minimize the impact of illness or injury-related absences on the student's educational progress. Students who will be absent for an extended period of time may be eligible for homebound or hospitalized services in accordance with Policy 5416.
- B. School employees who suspect that a student's absences may be disability-related must immediately refer the student for an evaluation under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act.
- C. When the building principal or designee determines that a student is too ill or injured to remain at school, school staff will contact the student's parent/guardian or other designated responsible adult to pick up the student from school. If the student requires immediate medical attention, the District will first attempt to contact a parent/guardian or other designated responsible adult when reasonably possible. If contact cannot be made, the building principal or designee will take any reasonable action necessary on the student's behalf, consistent with state law.

Students showing symptoms of a communicable disease may be sent home. The District may require a statement from a licensed physician or local health official before allowing the student to return to school. The District must report the occurrence or suspected occurrence of any disease, condition, or infection identified in the Michigan Department of Health and Human Services Communicable Disease Rules to the local health department within 24 hours.

- D. Parents/guardians must submit an emergency information form for each of their students. The form must list the contact information for each parent/guardian and designated responsible adult, any necessary emergency instructions, and any known medical conditions.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5702-F Student Injury Report Form

Student Name: _____

Incident Location: _____

Date of Incident: _____ Time of Incident: _____

Incident Description: _____

Witness 1 Name: _____

Witness 2 Name: _____

First Aid or Other Action Taken: _____

Student Transported to Hospital/Medical Facility? Yes No

If yes, name of medical facility: _____

Parent or Guardian Notified? Yes No

If yes, name of person notified: _____

Date: _____ Time: _____

Name of Person who made the contact: _____

Incident Disposition: Sent Back to Class Sent Home Sent to Hospital

Other (please specify): _____

Reporting Person Signature: _____

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5703 Medications

A. General Standards

Whenever possible, parents/guardians should arrange student medication schedules to eliminate the need for administration of medication at school. When a student requires prescription or over-the-counter medication at school, the following procedures apply:

1. The student's parent/guardian must annually submit a written request and consent form as required by the District.
2. A building principal or designee must request that the parent/guardian supply medications in the exact dosage required whenever feasible.
3. The building principal or designee will notify the student's parent/guardian of any observed adverse reaction to medication.
4. All medications must be in the original container.

B. District-Administered Medication

1. If the student requires District-administered medication, the student's parent/guardian must annually submit a healthcare professional's written instructions that include student name, medication name, medication dosage, and specific information about method and time of administration. A parent/guardian must promptly communicate any changes to the healthcare professional's written instructions to the building principal or designee. A "healthcare professional" means a licensed physician, certified nurse practitioner, or physician assistant.
2. Medication must be administered by a school administrator, teacher, or other appropriately designated school employee in the presence of a second adult, unless the medication is administered by a licensed registered professional nurse employed by the District or there is an emergency that threatens the student's life or health.
3. District employees may only administer medication to a student according to the written instructions from a healthcare professional. If the written instructions are unclear, the District may require written clarification from the healthcare professional before administering the medication.
4. Medication must be stored in a container that identifies the student's name, medication name, dosage, and frequency of administration. The District will take reasonable steps to ensure all medication is properly secured.

5. Incorrectly administered medication must be reported to the building principal and the student's parent/guardian. A written report identifying the error must be documented in the student's file.
6. The District will administer medication to students as necessary on school-sponsored field trips or school-related activities consistent with this Policy. The building administrator will designate the person responsible for administering the medication. The designee will transport the medication in its original container and record its administration on the medication administration log pursuant to this Policy.
7. Each school must maintain a medication administration log. The log must include the student's name, the name and dosage of each medication, and the date and time each dose is administered. The person administering the medication and the witness (if required) will complete and sign the log. The medication administration log must be placed in the student's file and kept until at least 1 year after the student's expected graduation date.
8. A parent/guardian will retrieve unused medication after its expiration date, after the District is notified that the medication has been discontinued, or at the end of the school year, whichever is earliest. The District will provide the parent/guardian notice to retrieve the medication. If the parent/guardian does not promptly retrieve the medication, the District will appropriately dispose of the medication. The building principal or designee must check the expiration dates on prescription medications, epinephrine auto-injectors, and inhalers at least twice each school year.
9. The Superintendent or designee will ensure that all staff responsible for administering medication are appropriately trained.

C. Student-Administered Medication

1. General Standards

Subject to this Policy's provisions specifically applicable to self-management of asthma inhalers and epinephrine auto-injectors/inhalers, a student may be permitted to self-possess and self-administer medication if the building principal has received written parent/guardian consent to do so and the practice is authorized in writing by a healthcare professional or is otherwise permitted by this Policy.

A building administrator may deny a request for a student to self-possess or self-administer medication at school to the extent consistent with law.

A building administrator may discontinue a student's right to self-administer and self-possess following consultation with the parent/guardian if the student misuses the medication.

A student may possess and use an FDA-approved topical substance at school or any school-related activity, provided that the parent/guardian first provides the building principal with written approval.

2. Asthma Inhalers and Epinephrine Auto-Injectors/Inhalers

A student may possess and use an asthma inhaler or epinephrine auto-injector or inhaler with written approval from the student's healthcare provider. A minor student must also have written permission from the student's parent/guardian. The required documentation must be submitted to the building principal.

If a student is authorized to self-possess or self-administer an asthma inhaler or epinephrine auto-injector or inhaler, the building principal or designee will notify the student's teachers and other staff as appropriate.

Additionally, the school must maintain a written emergency care plan drafted by a physician in collaboration with the student's parent/guardian. The emergency care plan will contain specific instructions related to the student's needs. The physician and parent/guardian should update the emergency care plan as necessary to meet the student's changing medical circumstances.

Legal authority: MCL 380.1178, 380.1178a, 380.1179, 380.1179a

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5703-F-1 Medication Administration Daily Log

Each medication requires its own administration log.
This document must be kept in the Student's file.

School Year: _____

Student's Name: _____ DOB: _____

School Name: _____ Teacher/Homeroom: _____

Medication Name and Dosage: _____

Medication Route: _____ Medication Frequency: _____

Directions: Complete the log below when the District administers the Student's medication. Medication must be administered by an adult in the presence of a second adult, unless the medication is administered by a licensed registered professional nurse or there is an emergency that threatens the student's life or health.

Date	Time	Staff 1 Initials	Staff 2 Initials	Notes

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5703-F-2 Consent for District Administered Medication Form

Student Information

Student's Name: _____

Date of Birth: _____ Grade: _____

Healthcare Provider Information

Name/Title: _____

Address: _____

Telephone: _____ Fax: _____

Provider Signature: _____ Date: _____

Medication Information

This section must be completed by the Student's healthcare provider.

Medication Name: _____ Dose: _____

Administration Method: _____ Administration Time/frequency: _____

If "as needed," under what conditions is the medication to be administered:

Relevant side effects: _____

Parent/Guardian Consent

I, _____, authorize school staff to administer medication accordance with this form and applicable Policies. I acknowledge that Board Policy requires that I immediately inform the District of any changes to the healthcare provider's medication instructions.

Parent's/Guardian's Signature: _____ Date: _____

Home Phone: _____ Cell Phone: _____

Work Phone: _____ Email: _____

(Please circle which phone number you would like District staff to call first.)

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5703-F-3 Consent for Student to Self-Administer Medication Form

Student Information

Student's Name: _____

Date of Birth: _____ Grade: _____

Medication Name: _____ Dose: _____

Administration Method: _____ Administration Time/frequency: _____

If "as needed," under what conditions is the medication to be administered:

Relevant side effects: _____

Healthcare Provider Information

Name/Title: _____

Address: _____

Telephone: _____ Fax: _____

Please attach to this form the Student's healthcare provider's written authorization for the Student to possess and administer this medication.

Parent/Guardian Consent

I, _____, give permission for my Student to possess and administer medication in accordance with this form and applicable Policies. I acknowledge that Board Policy requires that I inform the District of any changes to the healthcare provider's medication instructions immediately.

Parent's/Guardian's Signature: _____ Date: _____

Home Phone: _____ Cell Phone: _____

Work Phone: _____ Email: _____

(Please circle which phone number you would like District staff to call first.)

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5704 *Student Insurance*

The District is not a guarantor or insurer of student health or safety. Parents/guardians are encouraged to secure insurance for their students' healthcare needs, including coverage for injuries that may occur while at school and while participating in athletics and other school activities.

The District, in its sole discretion, may provide information about insurance policies available for purchase by parents/guardians for their students from third-party vendors. Providing that information does not imply District endorsement of any insurance policy, nor is it a guarantee or warranty that coverage will be provided by the vendor in any specific instance.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5705 *Emergency Anaphylaxis*

Anaphylaxis is a severe and life-threatening allergic reaction. Anaphylaxis may occur within minutes or longer after exposure to an allergen. The most common causes of anaphylaxis are food, insect bites or stings, medications, and latex.

The symptoms of anaphylaxis may vary from person to person and may change over time. Reported symptoms include skin reactions, a feeling of warmth, constriction of the airway, a swollen tongue or throat, wheezing, trouble breathing, weak or rapid pulse, nausea, vomiting, diarrhea, dizziness, or fainting.

A. Emergency Preparedness

1. The Superintendent or designee must obtain a prescription in the name of the Board for auto-injectable epinephrine as authorized and required by this Policy and applicable law.

Each school operated by the District must maintain at least 2 epinephrine auto-injector devices at all times, regardless of whether any student or employee has been diagnosed with allergies.

2. The epinephrine auto-injectors maintained by the school may only be used by:
 - a. a licensed registered professional nurse who is employed or contracted by the District; or
 - b. an authorized employee trained in the appropriate use of an epinephrine auto-injector.
3. The Superintendent or designee will determine, after consulting a licensed registered professional nurse or other health care provider, the appropriate dose(s) of auto-injectable epinephrine (e.g., Junior or Adult) to be maintained at each school.
4. Epinephrine auto-injectors maintained by the District will be stored according to the manufacturer's directions, at the appropriate temperature, and in a clearly labeled and unlocked container easily accessible to authorized personnel.
5. A licensed registered professional nurse who is employed or contracted by the District, or an authorized school employee who is trained in the appropriate use of an epinephrine auto-injector under this Policy, may possess and administer epinephrine by auto-injector to:
 - a. a student who has a prescription on file at the school; or

- b. any person on school grounds who is believed to be having an anaphylactic reaction.
6. The Superintendent or designee will:
- a. ensure that each school building with an instructional and administrative staff of at least 10 has at least 2 employees who have been trained in the appropriate use of an epinephrine auto-injector; and
 - b. ensure that each school building with an instructional and administrative staff of fewer than 10 has at least 1 employee who has been trained in the appropriate use of an epinephrine auto-injector.
7. For purposes of this Policy, “trained in the appropriate use of an epinephrine auto-injector” means completing training in compliance with the Training Guidelines for Designated Staff on Allergies, Anaphylaxis, and Emergency Responses issued by MDE, conducted under the supervision of, and evaluated by, a licensed registered professional nurse.

The Superintendent or designee must maintain documentation of training completed by each employee authorized to administer an epinephrine auto-injector.

B. Notice and Reporting

The Superintendent or designee will:

- 1. promptly notify the parent/guardian of a student to whom epinephrine has been administered and document all actual and attempted notices; and
- 2. at least annually report to MDE, as prescribed by MDE, all epinephrine administration to students at school.

C. Student Possession and Use

This Policy does not alter the rights of students authorized by law to self-possess or self-administer medication, including epinephrine, or any rights of students with disabilities under state or federal law.

Legal authority: MCL 380.1178, 380.1179, 380.1179a; MCL 333.17744a

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5705-F Emergency Anaphylaxis Checklist

School Name: _____

- Prescription Obtained for Auto-Injectable Epinephrine
- Two Epi-Injectors at School
- Dosing Determined

Name(s) of Employee(s) Designated to Administer: _____

- Documentation of Current Training of Designated Employee(s)
- Annual Report of Epi Administration Sent to MDE

School Name: _____

- Prescription Obtained for Auto-Injectable Epinephrine
- Two Epi-Injectors at School
- Dosing Determined

Name(s) of Employee(s) Designated to Administer: _____

- Documentation of Current Training of Designated Employee(s)
- Annual Report of Epi Administration Sent to MDE

School Name: _____

- Prescription Obtained for Auto-Injectable Epinephrine
- Two Epi-Injectors at School
- Dosing Determined

Name(s) of Employee(s) Designated to Administer: _____

- Documentation of Current Training of Designated Employee(s)
- Annual Report of Epi Administration Sent to MDE

5705-F Emergency Anaphylaxis Checklist

School Name: _____

- Prescription Obtained for Auto-Injectable Epinephrine
- Two Epi-Injectors at School
- Dosing Determined

Name(s) of Employee(s) Designated to Administer: _____

- Documentation of Current Training of Designated Employee(s)
- Annual Report of Epi Administration Sent to MDE

School Name: _____

- Prescription Obtained for Auto-Injectable Epinephrine
- Two Epi-Injectors at School
- Dosing Determined

Name(s) of Employee(s) Designated to Administer: _____

- Documentation of Current Training of Designated Employee(s)
- Annual Report of Epi Administration Sent to MDE

School Name: _____

- Prescription Obtained for Auto-Injectable Epinephrine
- Two Epi-Injectors at School
- Dosing Determined

Name(s) of Employee(s) Designated to Administer: _____

- Documentation of Current Training of Designated Employee(s)
- Annual Report of Epi Administration Sent to MDE

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5706 *Opioid Antagonist*

The District will provide adequate control, supervision, and training to maintain and administer opioid antagonists at school consistent with state law.

A. Emergency Preparedness

1. The Superintendent or designee will obtain opioid antagonists, as authorized by law.
2. An opioid antagonist maintained by a school may only be administered to a person who is believed to be having an opioid-related overdose on school grounds by:
 - a. a licensed registered professional nurse employed or contracted by the District; or,
 - b. a District employee appropriately trained in accordance with state law.

B. Notice and Reporting

The building principal or designee will:

1. contact 911 if a student is believed to be having an opioid-related overdose;
2. promptly notify the parent/guardian of a student to whom an opioid antagonist has been administered and document all actual and attempted notices. The District will encourage the parent/guardian to seek treatment for the student from a substance use disorder services program; and
3. document all instances of opioid antagonist administration at school.

Legal authority: MCL 15.671 et seq.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5707 School Wellness Policy

The District is committed to providing a school environment that enhances opportunities for learning and lifelong wellness.

A. Nutrition Promotion and Education Goals

All students will receive nutrition education annually that is aligned with the Michigan Health Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Health Education. Teaching healthy eating behaviors will be part of the curriculum.

The District promotes healthy food and beverage choices for students. The District will implement evidence-based healthy food promotion techniques through:

1. offering school meal programs; and
2. publicizing foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. The District will collaborate with public and private entities to promote student wellness.

The District will make water available to students throughout the school day.

B. Physical Activity Goals

The District will offer physical education programs that are designed to equip students with the knowledge, skills, and values necessary for lifelong physical activity. Physical education instruction will be aligned with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education.

Students will have the opportunity to participate regularly in supervised physical activities, either organized or unstructured, intended to maintain physical fitness and an understanding of the benefits of a physically active and healthy lifestyle.

The District strives to provide physical activity breaks for all students, including recess for elementary students and before and after school activities, and encourages students to use active transport (e.g., walking, biking).

The District encourages parents/guardians to support their students' participation in physical activity, to be physically active role models, and to include physical activities in family events.

C. Goals for Other School-Based Activities Designed to Promote Student Wellness

The District may partner with community members or groups to implement this Policy. The District will also:

1. participate in state and federal child nutrition programs as appropriate;
2. allow other health-related entities to use school facilities for activities such as health clinics, screenings, and wellness events consistent with Policy 3304;
3. use evidence-based strategies to develop, structure, and support student wellness; and
4. create environments conducive to healthy eating, physical activity, and conveying consistent health messages.

D. Standards and Nutrition Guidelines for All Foods and Beverages Sold to Students on the School Campus and During the School Day

The District will ensure that students have access to foods and beverages that comply with applicable laws and guidelines including, but not limited to, the USDA Nutrition Standards for School Meals and the USDA Smart Snacks in School nutrition standards.

The District will offer students a variety of age-appropriate, healthy food and beverage selections including fruits, vegetables, and whole grains aimed at meeting the nutrition needs of students within their calorie requirements to promote student health and reduce childhood obesity.

E. Standards for All Foods and Beverages Provided, But Not Sold, to Students During the School Day

The District may provide a list of healthy food and beverage alternatives to parents/guardians, teachers, and students for classroom parties, rewards and incentives, or classroom snacks. The District discourages the use of unhealthy food and beverages as a reward or incentive for performance or behavior.

F. Food and Beverage Marketing

Marketing and advertising is allowed on school grounds or at school activities only for foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards. Food and beverage fundraising and marketing that occurs at events outside of school hours need not comply with the USDA Smart Snacks in School nutrition standards.

In-school fundraising events must comply with Policy 5501 and MDE's Non-Compliant Food Fundraiser Guidance, which permits 2 fundraisers per week, per school building that do not comply with USDA Smart Snacks in School nutrition standards. In-school fundraising events may last up to 1 day and may not be held in the food service area during meal times.

Equipment that currently displays noncompliant marketing materials (e.g., scoreboard with soft drink logo) will not be removed or replaced. As the District reviews and considers new contracts and as durable equipment, like scoreboards,

is replaced or updated, any food or beverages marketed and advertised will meet or exceed the USDA Smart Snacks in School nutrition standards.

G. Wellness Committee

The District will form a Wellness Committee to establish goals for, oversee, and periodically review and update school health policies and programs. The Wellness Committee will also oversee this Policy's implementation.

The Wellness Committee will represent all school buildings and include, to the extent possible, parents/guardians, students, food service representatives, physical and health education teachers, school and community health care professionals, and community members. The Board encourages community participation in the Wellness Committee. When possible, membership will also include Supplemental Nutrition Assistance Program education coordinators.

H. Implementation and Oversight

The Superintendent or designee is responsible for ensuring that each school building complies with this Policy.

The Board will review this Policy at least every 3 years to determine compliance, progress, and the extent to which this Policy compares to model school wellness policies. Parents/guardians, students, school employees, school health professionals, Board members, and community members may provide input to the District during the Wellness Policy review process.

A copy of this Policy will be maintained in the District's administrative offices and posted on the District's website. The Superintendent or designee will maintain all legally required documentation for implementation of this Policy.

The Superintendent or designee will annually provide notice about this Policy and any updates to the community.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5708 Do Not Resuscitate Orders

School personnel will honor a Do-Not-Resuscitate Order or POST (physician orders for scope of treatment) form executed pursuant to the Michigan Do-Not-Resuscitate Procedure Act or Public Health Code if they have actual notice of the Do-Not-Resuscitate Order or POST form.

Within five school days of receiving a request that life-sustaining care be withheld from a student, the Superintendent, applicable building administrator, or Superintendent's designee will convene a group of people knowledgeable about the student's medical and health needs to develop an emergency response plan, including an individualized resuscitation plan, for the student. The Superintendent, building administrator, or Superintendent's designee will ensure that all personnel responsible for delivering instructional or noninstructional services to a student with an individualized resuscitation plan receive, if applicable, actual notice of the Do-Not-Resuscitate Order or POST form and timely and appropriate training.

Upon actual notice that a Do-Not-Resuscitate Order or POST form has been revoked, the Superintendent, building administrator, or Superintendent's designee will provide actual notice to school personnel responsible for providing instructional or noninstructional services to the student of the revocation, at which time personnel will no longer honor the Do-Not-Resuscitate Order or POST form.

The Superintendent or designee is authorized to consult legal counsel any time the District receives a request that life-sustaining care be withheld from a student.

For purposes of this Policy, "actual notice" includes the physical presentation of an order, revocation of an order, or another written document authorized under the Michigan Do-Not-Resuscitate Procedure Act.

The Superintendent or designee will develop administrative guidelines for responding to Do-Not-Resuscitate Orders and POST forms that comply with the Michigan Do-Not-Resuscitate Procedure Act and the Revised School Code.

Legal Authority: MCL 333.1051 et seq.; MCL 380.1180, 380.1181

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5708-AG Do-Not-Resuscitate (DNR) Orders

- A. Upon receipt of a Do-Not-Resuscitate (DNR) order or POST (physician orders for scope of treatment) form for a student, the Superintendent, building administrator, or Superintendent's designee will:
1. Within five school days coordinate a meeting with the student (if appropriate), the student's parent/guardian and physician(s) (if available), and appropriate school personnel to develop an emergency response plan that includes an individual resuscitation plan and comfort-care measures for the student. If a physician is not available, the District will request and review written input from a physician. If any such plan is not consistent with the student's Section 504 plan or Individualized Education Program (IEP), the Superintendent, building administrator, or Superintendent's designee will ensure that a Section 504 or IEP Team meeting for the student is promptly convened. If the student does not currently have a Section 504 plan or IEP, the Superintendent, building administrator, or Superintendent's designee will consider whether to refer the student for an appropriate evaluation.
 2. Consult with District legal counsel if there are concerns that the DNR order or POST form was not obtained in a manner that complies with Michigan law or if there are concerns that the DNR order or POST form are not in the student's best interests.
 3. Maintain the DNR order, POST form, or individual emergency response plan in a separate, designated file.
 4. Provide actual notice of the DNR order, POST form, or individual emergency response plan to all personnel responsible for providing instructional and noninstructional services for the student.
 5. Ensure that all personnel, including volunteers and contractors, responsible for providing instructional and noninstructional services for the student receive training on the student's emergency response plan, including the individual resuscitation plan and comfort-care measures. The training must include notice to appropriate personnel that the Heimlich maneuver or other similar procedures used to expel an obstruction from an individual's throat does not constitute a resuscitative measure and may be performed even for a student with a DNR order or POST form.
 6. Convene a meeting of the student (if appropriate), the student's parents/guardians and physician(s), and appropriate school personnel at the beginning of each school year to determine if the DNR order or POST form has been modified or revoked and to review and revise the student's emergency response plan as needed.

7. Contact emergency medical personnel any time a student's medical condition appears to be life threatening, even if the student has an emergency response plan that includes an individual resuscitation plan. If a health professional arrives during the emergency situation, the health professional will determine if the student has one or more vital signs.
 8. Provide emergency medical personnel a copy of any DNR order or POST form of which the Superintendent, building administrator, or Superintendent's designee has actual notice.
 9. Follow any emergency described above by debriefing with the student (if appropriate), the student's parents/guardians and physician(s), and appropriate school personnel to review the emergency response plan and to discuss how the plan may be improved.
 10. Follow any emergency by addressing the emotional needs of other students and personnel who witnessed the emergency.
 11. Summarize all understandings in a letter to the student (if appropriate) and the student's parents/guardians and physician(s).
- B. Pursuant to the Michigan Do-Not-Resuscitate Procedure Act, a parent/guardian or student may revoke a DNR order or POST form at any time by providing actual notice to the Superintendent, building administrator, or Superintendent's designee. Upon receipt of such notice, the Superintendent, building administrator, or Superintendent's designee will:
1. Provide actual notice to all personnel responsible for providing instructional and noninstructional services to the student that the DNR order or POST form is no longer applicable and that personnel should follow standard emergency response policies and practices for the student.
 2. Maintain a copy of the written notice in the file created for the student's DNR orders, POST forms, or emergency response plans.
 3. Convene a meeting with the student (if appropriate), the student's parents/guardians and physician(s), and appropriate school personnel to modify the emergency response plan, including the individual resuscitation plan and comfort-care measures. If any such plan is not consistent with the student's Section 504 plan or IEP, the Superintendent, building administrator, or Superintendent's designee will ensure that a Section 504 or IEP Team meeting for the student is promptly convened.
 4. Ensure that emergency medical personnel are made aware that the student's DNR order or POST form has been revoked and that all appropriate life-saving measures should be used if an emergency arises.

If school staff become aware that a student has expressed an intent to revoke a DNR order or POST form, the staff member must immediately report that

information to the building administrator, Superintendent, or Superintendent's designee.

- C. As used in this Administrative Guideline, actual notice includes the physical presentation of an order, a revocation of an order, or another written document authorized under the Michigan Do-Not-Resuscitate Procedure Act.
- D. The building administrator or Superintendent's designee is responsible for supervising the steps outlined above.

Adoption date: November 8, 2021

Revised date:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5709 Lice, Nits, and Bed Bugs

A. Lice and Nits

A student with nits within $\frac{1}{4}$ inch of the scalp or live lice may remain at school until the end of the school day. The student will be restricted from activities that involve close head-to-head contact or sharing of personal items. The District will notify the student's parent/guardian and provide educational materials on head lice prevention and treatment.

The student will be readmitted to school after treatment so long as the parent/guardian consents to a head examination and the examining District official does not find live lice on the student. If the District official finds nits within $\frac{1}{4}$ inch of the student's scalp, the student may return to class, but the District must inform the student's parent/guardian about the need to remove the nits.

District personnel will not ostracize or embarrass a student with lice or nits and will maintain student confidentiality.

If a student has a persistent infestation after 6 weeks or 3 separate cases within 1 school year, the District will form a team that may include the student's parents/guardians, teacher, social workers, or administrators to determine the best approach to resolve the issue.

B. Bed Bugs

If a District official suspects that a student's clothing or belongings contain bed bugs, the school nurse or other District official may visually inspect the student's clothing or belongings. Any bugs found should be removed and collected for identification. If a live bed bug is discovered, the District will notify the student's parent/guardian and provide educational materials on bed bug prevention and treatment.

No student will be excluded from school because of bed bugs unless efforts to remedy an infestation have been unsuccessful.

If bed bugs are found in a classroom or elsewhere in the school building, the building principal or designee will notify the parents/guardians of all students in the affected building and will provide information on bed bug prevention and treatment. The school building will not be closed due to bed bug presence. If pest management is necessary, it will be provided to affected areas of the school building consistent with Policy 3406.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5710 Student Suicide Prevention

Employees, volunteers, and contractors must immediately notify the building principal or designee if a student is exhibiting signs of unusual depression, expressing suicidal thoughts, or threatening or attempting suicide or self-harm.

The District will convene a crisis response team to investigate and develop an intervention plan for the student, if necessary.

A member of the crisis response team will immediately notify the student's parent/guardian if the student threatens or attempts suicide.

District personnel who suspect that a student may have a disability under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act must immediately refer the student for an evaluation.

The District will print the number of a national, state, or local suicide prevention hotline that can be accessed at any time on student identification cards for students in grades 6-12.

Legal authority: MCL 380.1171, 380.1893

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5711 Toilet Training

Except when toilet training is part of the instructional program, students are expected to be fully toilet trained before the first day of school, unless otherwise specifically addressed in the student's IEP or Section 504 Plan.

The student's parent/guardian is responsible for ensuring that the student is toilet trained. The parent/guardian is also responsible for providing clean clothes for a student who may have toileting accidents.

No student will be punished or humiliated for soiling or wetting clothing or not using the toilet.

The building principal or designee should consider whether repeated toileting accidents are related to a disability.

Except when toilet training is part of the instructional program, staff will not assist a student with toileting unless directed to do so by the student's IEP or Section 504 Plan.

Date adopted: November 8, 2021

Date revised: December 12, 2022

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5712 Concussion Awareness

Each coach, employee, volunteer, and other adult who works with student athletes in an athletic activity sponsored or operated by the District must complete the concussion awareness training program required by the Michigan Public Health Code at least once every 3 years.

Before allowing a student athlete to participate in any athletic activity, the District will annually:

- A. provide the MHSAA- or state-approved educational materials on concussion awareness to each student athlete and to the student athlete's parent/guardian; and
- B. obtain a statement signed by each student athlete and respective parent/guardian acknowledging receipt of the MHSAA- or state-approved concussion awareness educational materials. The District will maintain this signed statement for 5 years or until the student is 18, whichever is longer.

A student athlete must be removed from any practice or game when the student athlete is reasonably suspected of sustaining a concussion during a practice or game. The student athlete will not be permitted to participate in any school athletic activities involving physical exertion, including practices or games, until the student has:

- A. been evaluated by a licensed physician, physician's assistant, or nurse practitioner;
- B. received written and signed clearance to resume participation in athletic activities from a licensed physician, physician's assistant, or nurse practitioner; and
- C. submitted to the school the written and signed clearance to resume participation in athletic activities, accompanied by written permission from the student's parent/guardian to resume participation.

District officials are not required to verify the qualifications of the physician, physician's assistant, or nurse practitioner who provides the clearance.

A student who has sustained a concussion may need accommodations, supports, and monitoring until the student is fully recovered. Nothing in this Policy automatically entitles a student who has sustained a concussion to an individualized plan under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act. Staff should refer a student who has sustained a concussion for evaluation if they suspect the student may have a disability, consistent with Policies 5601 and 5603.

Legal authority: MCL 333.9155, 333.9156

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5713 Immunizations and Communicable Diseases

A. Enrollment, Immunization Certification, and Exemptions

1. Subject to the exemptions stated below, for a student entering the District for the first time or entering 7th grade, a parent/guardian must provide the building principal or designee with a certificate indicating that the student has received at least 1 dose of an immunizing agent against each disease specified by the Michigan Department of Health and Human Services (MDHHS) or other responsible agency.

The student's parent/guardian must provide the certificate at the time of registration, or no later than the first day of school.

A parent/guardian of a student who has not received all doses of any required immunizing agent must provide the District an updated immunization certificate demonstrating that the immunizations have been completed as required by the MDHHS. The updated certificate must be provided within 4 months of the student entering the District for the first time or upon entering 7th grade.

2. A student is exempt from the above requirements if:
 - a. a physician certifies that a specific immunization is or may be inappropriate or detrimental to the student's health; or
 - b. a student's parent/guardian, or a person acting *in loco parentis*, certifies to the building principal or designee that the child cannot be immunized as required because of religious convictions or other objection to immunization. Only waiver forms authorized, executed, and certified as required by applicable law and administrative rules will be accepted.
3. The District will not permit a student to attend school unless the parent/guardian provides evidence of immunizations or exemptions consistent with this Policy and state law.

B. Emergency Exclusion Due to Outbreak

The District, in conjunction with local health department officials, may exclude students who:

- are suspected of having a communicable disease until a physician or local health official determines the student is no longer a risk; or
- lack documentation of immunity or are otherwise considered susceptible to the disease until the local health department officials determine the risk of spreading the disease has passed.

C. District Reporting Requirements

The District will report student immunization information as required by and consistent with state and federal law.

D. Homeless Children and Youth

Nothing in this Policy diminishes the rights of homeless children and youth under Policy 5307.

Legal authority: MCL 333.9206, 333.9208, 333.9215; MCL 380.1177; MCL 388.1767;
Mich Admin Code R 325.176

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5700 Student Health and Safety

5714 Cannabidiol Use and Administration

The Board prohibits the use or administration of any products containing cannabidiol (commonly referred to as CBD) on District property. The Superintendent or designee will consider exceptions to this Policy.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5800 Miscellaneous

5801 Closed Campus

The school campus is a closed campus. All students must remain on campus during school hours. The building principal or designee will release a student only after confirming with an authorized adult that the student has permission to leave campus. Students who leave campus without authorization are subject to disciplinary action. Nothing in this Policy prevents the school from sending a student home when the student is ill or for disciplinary purposes.

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Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5800 Miscellaneous

5802 Student Transportation

The District may provide student transportation to and from school.

If the District provides student transportation to and from school, the District is not required to transport or pay for transportation for a student who lives within 1.5 miles of the student's school by the nearest traveled route.

The District may establish and require students to use bus stops. The District is not responsible for supervising students at bus stops, before the bus picks the student up for school, or after the student disembarks at the end of the student's school day.

A student's failure to comply with Board Policy, applicable codes of conduct, and any other applicable rules or behavioral expectations while using District-provided transportation, including while at a designated bus stop, may result in disciplinary action and exclusion from District-provided transportation.

A student does not have a right to District-provided transportation. Nothing in this Policy, however, diminishes any right a student with a disability may have under state or federal law.

Legal authority: MCL 380.1321

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5800 Miscellaneous

5803 Student Driving and Parking

Student driving and parking on District property is a privilege, not a right, that may be revoked at any time. The building principal or designee will annually publish rules and criteria for student driving and parking in the applicable student handbook(s).

A student who drives to school must register any vehicle driven to school consistent with the rules in the applicable student handbook.

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Series 5000: Students, Curriculum, and Academic Matters

5800 Miscellaneous

5804 *Work Permits*

The building principal or designee will issue student work permits in accordance with state law.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5800 Miscellaneous

5805 *Student Audio and Video Recording*

This Policy governs student audio and video recordings.

For purposes of this Policy, “recording” or “recordings” includes still photographs, video, audio, and other similar data captured in any medium.

A. Prohibited Recordings by Students

Unless otherwise authorized by this Policy, law, or a District employee, students may not make recordings on school property; when on a vehicle owned, leased, or contracted by the District; or at a school-sponsored activity or athletic event.

Student and parent/guardian use of GPS tracking technology with audio surveillance capability, other than a cell phone, is governed by Policy 5210.

B. Permitted Recordings by Students

A student may make recordings of instructional activities if recording is necessary to accommodate the student’s disability pursuant to the student’s Individualized Education Program or Section 504 Plan. Students may also make recordings of instructional activities if expressly permitted by the building principal or classroom teacher.

Recordings of instructional activities permitted under this Policy may only be used by students for personal academic purposes and may not be shared or disseminated without written consent from the building principal or designee.

A student may record school-sponsored activities and athletic events as a spectator if the recording is made in a manner permitted by the District for the public. For example, students may record athletic events for their personal use in a manner similar to parents/guardians or other spectators, but students remain subject to the District’s acceptable use and student discipline policies.

Except as otherwise permitted by this Policy, students may not make recordings of non-instructional activities without the permission of the building principal or supervising adult.

Any student recording must comply with applicable state and federal laws, codes of conduct, and Board Policy.

No recordings may be taken or made in restrooms, locker rooms, or other areas where there is a reasonable expectation of privacy.

C. District Recordings

Nothing in this Policy limits the District's ability to make recordings as otherwise permitted by state and federal law or Board Policy.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5800 Miscellaneous

5806 *Recording of District Meetings*

A. Audio Recording of IEP Team and Section 504 Meetings

Parents/guardians of students with disabilities are not permitted to record IEP Team and Section 504 meetings unless recording is necessary for the parent/guardian to understand the IEP or Section 504 process.

Parents/guardians must use their own device for any recording permitted pursuant to this Policy. If a parent/guardian records a meeting pursuant to this Policy, the District may also record the meeting.

B. Audio Recording of Other Meetings

Parents/guardians may not record any other meeting absent the prior written approval of the Superintendent or designee. If a parent/guardian is permitted to audio record a meeting, the parent/guardian must use their own recording device and the District also may elect to record the meeting.

C. Secret Recording of Meetings and Other Activities

Parents/guardians and students may not use secret means to record any meeting or activity at school. Student use of a device with listen-in or audio surveillance capabilities at school must comply with Policy 5210.

D. Video Recording of Meetings

Video recording of any meeting, including IEP Team and Section 504 meetings, is prohibited. This Policy does not apply to meetings that are open to the public under the Open Meetings Act.

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5800 Miscellaneous

5807 Flag Display and Pledge of Allegiance

The District will display the United States of America flag on a flag staff in a conspicuous location at each school. The District will also display the United States of America flag in each classroom or other instructional site where students recite the Pledge of Allegiance.

Each building principal or designee is responsible for the care and display of the flags.

The building principal or designee will provide students with an opportunity to recite the Pledge of Allegiance each school day. Student participation in the Pledge of Allegiance is voluntary. Students may not be disciplined or penalized for not reciting the Pledge of Allegiance. The building principal or designee will ensure students are not bullied for not reciting the Pledge of Allegiance.

Legal authority: MCL 380.1347, 380.1347a

Date adopted: November 8, 2021

Date revised:

Series 5000: Students, Curriculum, and Academic Matters

5800 Miscellaneous

5808 *Intentionally Left Blank*

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