



# **ADMINISTRATIVE REGULATIONS**



## **Miller Johnson School Policy Services**

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The 2000 series of Board Policies requires or permits the Superintendent<sup>1</sup> to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on September 15, 2023 and posted them on the School District website. All School District personnel and students are required to follow these administrative regulations.

The Superintendent designates the School District's Assistant Superintendent of Administrative Services to review the 2000 series of Board Policies and these regulations at least annually. The Assistant Superintendent of Administrative Services is also expected to recommend to the Superintendent legally compliant revisions and additions to the 2000 series of Board Policies and these administrative regulations.

## 2001-AR

## Admission and Enrollment

### Resident Students

**Age of Enrollment.** Michigan's [Revised School Code](#) specifies the dates by which a child must reach school age in order to be eligible to enroll in kindergarten or first grade.

**Documentation.** A parent<sup>2</sup> who seeks to enroll a child in the School District will prove the child's age, typically with a certified copy of a birth certificate. If the parent cannot produce a certified copy of a birth certificate, the parent must explain the reason to the enrollment official and prove the child's age to the reasonable satisfaction of the enrollment official. A parent enrolling a student who has attended school in another school or school district must provide the enrollment official with a release for the student's education record on a form created by the School District or otherwise acceptable to the enrollment official.

**Residency.** Residency is defined in Michigan's [Revised School Code](#). Proof of residency will be established as follows:

- |                 |  |
|-----------------|--|
| For Homeowners: | A deed or land contract and/or a current utility bill establishing the parent lives within the School District's geographic boundaries; or, a property transfer affidavit establishing the parent will live within the School District's geographic boundaries within 30 days of the beginning of the student attendance year in question; or, |
| For Renters:    | A fully executed lease and current utility bill confirming the parent lives within the School District's geographic boundaries (which lease includes names of all children enrolled or enrolling in the School District).  |

### Nonresident Students

**Schools of Choice (Inter-District).** The School District may allow inter-District schools of choice students according to periodic Board of Education resolutions.

**Schools of Choice (Intra-District).** The School District permits intra-District transfers. Parents who wish their children to attend another District school should complete an application for the Superintendent's consideration and approval before the beginning of the school year. [Click here](#)

<sup>1</sup> "Superintendent," as used in these regulations, includes the Superintendent's designee, unless otherwise indicated.

<sup>2</sup> The term "parent," as used in these regulations, includes a guardian or an adult student.

<https://www.zps.org/enrollment/> for the application and submit it to the School District's pupil accounting office at 183 W. Roosevelt; Zeeland, MI 49664.

**Tuition Students.** The School District does not accept K-12 tuition students at this time.

**Children of School District Employees.** The School District accepts for enrollment the children of School District employees on the same basis and subject to the same rights and obligations as other students.

### **Foreign Exchange Students**

**Generally.** The School District will accept international/foreign exchange students, subject to the Superintendent's reasonable discretion. A student wishing to enroll in the School District as an international exchange student must meet the following requirements: the completion of an application to the School District's High School Principal between March 1 and June 30 of the preceding school year; the provision of evidence of approval by the United States Department of State, including an F-1 or J-1 student visa; affiliation with a program on the Council on Standards for International Education and Travel (CSIET) Advisory List on International Education Travel and Exchange Programs; the provision of the name, address, and telephone number of the program's local representative and most recent brochure; the provision of the names, addresses, and telephone numbers of at least two suitable host families, unless the School District is aware of suitable host families; proof he/she will be at least 16 years old by the date of first attendance in the School District; provision of suitable proof of health and accident insurance; proof of the ability to communicate and learn in English, as evidenced by a secondary level English proficiency test on which he/she earned a high intermediate or advanced level score.

**Acceptance and Placement.** High School Principals, no later than May 31 of each school year, will review and approve/decline recommendations for international exchange students who meet the criteria set forth in the preceding paragraph. If approved, the recommendations for placement for the upcoming school year according to applicable Board policies and administrative regulations. No students will be approved who are residing outside of School District boundaries. Approved international exchange students attending the School District are subject to the same policies and administrative regulations as other students and will not receive diplomas from the School District except according to applicable administrative regulations. For additional information pertaining to foreign exchange students, please see [this guidance](#).

**Homeless Students** The Superintendent appoints the School District's Whole Child Specialist to serve as the School District's Homeless Liaison in accordance with the [McKinney-Vento Act](#). The Liaison's duties include, but are not limited to:

1. Establishing practices designed to facilitate the school enrollment of homeless students;
2. Assisting with the enrollment of homeless students and providing assistance with obtaining academic and medical records;
3. Informing parents or unaccompanied homeless students of the educational and related opportunities available to them;
4. Assisting with school placement decisions based on the best interest of the student and desires of the parent or unaccompanied student;
5. Ensuring that referrals are made for health care, dental, mental health, and other appropriate services;
6. Monitoring each enrollment to assure that homeless students are not isolated or stigmatized because of their homeless status;

7. Handling enrollment disputes and ensuring that disputes over the placement of homeless students are resolved in a timely manner;
8. Arranging transportation and informing the parent or unaccompanied homeless students of the transportation services the School District must make available; and,
9. Disseminating public notice of the educational rights of homeless students in places within the community where they are likely to be seen by homeless students, their families and advocates for the homeless.

The Liaison will inform all School District personnel and persons or agencies known to work with homeless families of his or her identity and contact information.

**Shared Time Instructions** Shared time instruction will be provided according to Michigan law and the Michigan Department of Education's Pupil Accounting Manual.

## 2002-AR Learning and Achievement

### **Assessments**

**Generally.** The Superintendent will inform the Board and District administrators and teachers of the national, Statewide, and Districtwide assessments the District will administer. District personnel are expected to administer assessments consistent with protocols and students are expected to participate in assessments. Assessments and alternative assessments will be administered to disabled students consistent with their IEPs or Section 504 Plans.

**Discretionary Assessments and Assessments Required by Law.** These regulations do not prohibit School District personnel from administering or considering other assessments, including other assessments permitted or required by law.

### **Progress Reports and Grades**

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

**Establishing Expectations.** Building administrators and teachers are expected to establish academic and behavioral expectations for students and parents at the beginning of the school year or course. Middle school and high school teachers are strongly encouraged to communicate academic and behavioral expectations to students in writing, including a syllabus.

**Reports, Grades, and Academic Recognition.** The School District's Assistant Superintendents of Curriculum is responsible for creating and, from time-to-time, updating or revising forms for periodic progress reports and grades for elementary, middle school, and high school students. Teachers are responsible for completing all necessary forms for periodic progress reports and grades in an objective, consistent, and timely manner. Teachers are also responsible for notifying students and parents when a student's work is likely to result in a failing grade. Academic reports and grades should be based on students' academic work rather than behavior. Behavior should be reflected in citizenship reports or marks. A teacher may not award a failing grade to a secondary student unless he/she has provided such notice in a timely fashion. Building administrators are expected to facilitate these teacher responsibilities consistent with Board policies and these administrative regulations.

**Attendance.** The School District expects students will be in class every school day for the entire school day or class period. Teachers are required to take daily attendance for every class they teach. The District will report student attendance on every progress report.

Students will be marked as tardy if they are not in their classrooms ready to learn at the beginning of the school day or class period. Tardiness may result in student discipline as set forth in the School District's Student Code of Conduct.

**Accommodations and Modifications.** Accommodations permit a student to access School District facilities and services, including educational services such as the District's curriculum. Modifications change the District's curriculum at a student's grade level. Teachers may not consider accommodations when giving academic progress reports or awarding grades. Teachers may note modifications on individual academic progress reports and grade reports. The School District does not note modifications on student transcripts.

**Grade Appeals.** Teachers are responsible for awarding grades consistent with Board policies and administrative regulations. A student or a parent who wishes to appeal a grade awarded by a teacher may do so by notifying the building administrator in writing no later than 15 calendar days after the grade is issued. The building administrator will promptly schedule a meeting with the parent and/or student and teacher to discuss the appeal. If the teacher does not concur with the appeal, the building administrator will issue a final decision resolving the grade appeal.

**Academic Recognition.** Building principals will take all reasonable opportunities to encourage scholarship by recognizing students who excel in their studies. The High School Principal will grant the following honors to seniors graduating with a Michigan Merit Diploma based on grade point averages calculated at the end of the first semester of their senior years: Graduating with Distinguished Honor (4.0 or higher), Graduating with High Honor (3.75-3.99), Grading with Honor (3.5-3.74).

### **Placement**

Generally, The Superintendent designates to building administrators the responsibility for placing students in schools, grades, and courses. Building administrators should exercise good judgment with respect to placement decisions and consider the following factors, among others:

1. The student's academic achievement and ability as reflected in scores on standardized tests;
2. The student's academic performance in School District classes or while enrolled in another school district;
3. The student's chronological age;
4. The student's social maturity; and
5. In accordance with Board policy and [MCL 380.1280f](#) (ELA proficiency statute).

In the event of disagreement, the student and his or her parents should be consulted before a final placement decision.

**Promotion and Retention** Subject to the previous administrative regulation, students typically advance to the next grade after the end of the school year. The building administrator will use the following process if a student's teacher or parent recommends retention:

1. To the extent possible, teachers should identify students who are not meeting grade level objectives in one or more subjects and notify the building administrator and the students' parents by the end of the first semester of each school year. When such notification occurs:



- (a) The teacher, building administrator, and parents should meet to review the student's academic record, current test scores, work samples, and anticipated progress; and,
  - (b) Follow-up meetings may be scheduled between the teacher, building administrator, and parents.
2. The building administrator, in accordance with district-developed guidelines, is responsible for making a final decision on retention, after consulting the teacher and the parents, and considering the following factors, among others:
  - (a) The student's academic achievement in all subject areas, especially attainment of grade level objectives, as determined by the School District's curriculum, assessments, progress reports, tests, assignments, and work samples;
  - (b) The student's chronological age;
  - (c) The student's attendance; and,
  - (d) The student's social and emotional maturity.

### **Graduation Requirements**

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

Building principals may recommend eligible students for graduation and a diploma when the student has met the requirements established by these regulations. A student is eligible for recommendation for graduation when he/she: has completed four years of high school, unless a request for early graduation has been granted; has earned **22** total high school credits (22.5 total high school credits for students beginning with the Class of 2028 & **18** credits for Venture Academy Students), including all required by the Michigan Merit Curriculum (MMC) courses and credits (which may include middle school courses aligned with MMC, but not for purposes of calculating GPA); and, has completed all scheduled assessments. The MMC eligibility requirement may be fulfilled through a Personal Curriculum (PC) created according to Michigan law and approved by the Superintendent. The Superintendent may approve PC deviations from School District graduation eligibility requirements based on student's Educational Development Plan for one or more subjects outlined by MDE's guidance around personal Curriculums. Other deviations from the MMC requirement will be considered by the Superintendent on a case by case basis; the Superintendent retains sole discretion to grant or deny such a request.

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

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

- For high school students: 6 courses, totaling at least 3 credits
- For middle school students: 6 courses
- For elementary school students: 6 hours a day

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

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

## 2003-AR Education Records

**Creation and Retention** The School District maintains records according to the Michigan Department of Education's Record Retention Manual.

**Cumulative File (CA-60)** Building administrators will create and maintain a cumulative file (CA-60) for each student who attends school in the School District. The cumulative file may be created and maintained digitally. The building administrator will determine the contents of the CA-60 including, at a minimum:

1. The student's classes and credits;
2. The student's attendance record;
3. The student's standardized test results, with the exception of standardized tests taken to determine whether the student is eligible for special education and related services;
4. The student's immunization status; and
5. An eligible student's most recent IEP or Section 504 Plan.

**Special Services File** The School District's Assistant Superintendent of Special Education will publish legally compliant guidelines requiring School District personnel to create and maintain special education files for students who are eligible for special education and related services or accommodations under the [Individuals with Disabilities in Education Act](#) and [Michigan special education law, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990](#). The special education file may be created and maintained digitally. The guidelines are available at this link: [Record Retention Guidelines](#).

### **Directory Information and Access to Student Education Records**

**Family Educational Rights and Privacy Act (FERPA).** This administrative regulation has been developed to comply with FERPA and does not, itself, confer enforceable rights to any person.

#### **Access to Education Records.**

**Parental Access.** The natural parents of minor and dependent students may inspect their children's education record, unless that right has been terminated by a court order.

**Adult Students.** Adult students may inspect their education record.

**Board Members and School District Personnel.** Board members and School District personnel may access a student's education record if they have a "legitimate educational interest" in doing so, within the meaning of FERPA.

**Other Persons.** Other persons may inspect student education records to the extent permitted by FERPA.

**Time and Place of Inspection.** Generally, a person authorized to access a student's education record, other than School District personnel, must make an appointment to review education records at the student's school with the building administrator, or designee, who will remain present during the inspection. An authorized person will be permitted to copy selected education records upon request and fees may be charged as permitted by law.

**Access Log.** The building administrator will include an access log in each student's CA-60 and Special Services file that will identify each person who accessed the education record, the date and time the education record was accessed, and the reason the education record was accessed.

**Directory Information.** Board Policy 2003 defines directory information that may be disclosed by School District Board members and personnel. The Superintendent designates each building principal to annually notify parents and adult students of their right to "opt-out" of the disclosure of directory information, the steps that must be taken to exercise that right, and to timely notify the building administrator when a parent or adult student has exercised that right.

**Amendment of Education Records** Parents and adult students may request the amendment of education records that are inaccurate, misleading, or in violation of the student's rights of privacy or other rights. The following procedure will be used in cases when parents or adult students request the amendment of education records:

1. The parent will request the amendment in writing, including: identifying the education record(s) in question and, the reason(s) the education record should be amended;
2. The building administrator, after conferring with his or her direct supervisor, may agree to amend the education record and do so;
3. The building administrator, after conferring with his or her direct supervisor, may decline to amend the education record and, if so, notify the parent or adult student of the reason(s) and the parent's right to a hearing.
4. If a hearing is requested, the building administrator will immediately notify his or her direct supervisor and the Superintendent, who will arrange for a hearing consistent with FERPA requirements.

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

## 2004-AR Extracurricular Activities

**School District Clubs and Other Activities** On or before September 30 of each school year, each building administrator will forward to the Superintendent a complete list of the current School District clubs and other activities offered in the building. Building administrators may add new District clubs or activities that cost the District money without the approval of the Superintendent, so long as such approval falls within the allotted budget for the current school year. The building administrator will also promptly notify the Superintendent of any changes during the school year.

### **Fundraising**

**Overview.** Fundraising generally falls into two categories: fundraising by individual schools or student activity groups and fundraising by parent organizations (PTA, Booster Club, etc.). This administrative

procedure governs fundraising by individual schools or student activity groups. Questions concerning fundraising by parent organizations should be directed to the School District's Business Office.

This administrative regulation does not apply to "fiduciary activities" as the phrase is defined under GASB 84.

**General Guidelines.** Requests to conduct fundraising must be submitted to the building administrator for approval. The distribution and posting of fundraiser flyers must also be approved by the building administrator. For online fundraising, the following [application](#) should be utilized; see also Policy 5010.

**Contracts.** Building administrators may not enter into contracts in excess of \$3000, including contracts related to fundraisers, without the prior approval of the Superintendent.

**Accounting Procedures and Cash Management.** Funds collected from fundraisers must be secured by the staff member in charge of the fundraiser at the end of every day and turned over to the building administrator at the end of the day or as soon thereafter as possible. The building administrator or designee will verify the amount collected every day, notify the staff member in charge of the amount collected every day, and deposit the amount collected every day in a bank account at the end of the day or as soon thereafter as possible.

Purchases may not be made from cash received through a fundraiser. Instead, purchases must be made using a School District purchase order, check, or credit card.

The building administrator is responsible for maintaining all fundraising and related records for seven years after the fundraiser is completed and such records are subject to internal audit and external audit by the District's independent auditing firm.

## 2005-AR Communication

**Memorials** Generally, tributes, ceremonies, and memorials (collectively, memorials) recognizing an adult or student are not held or permitted on School District premises. A person who wishes to organize a memorial on School District premises must seek the permission of the building administrator, who will consult with the Superintendent before granting permission.

A student who dies during the school year will be acknowledged in his or her school yearbook that year in a manner within the discretion of the building administrator, unless the yearbook has already gone to print. The student's parents or friends may seek the permission of the building administrator to acknowledge the student in subsequent years.

A student who dies during the school year may also be acknowledged in the next edition of any official school newsletter or student publication. Any article concerning the student must be written with the assistance of the school's trauma team, if any, and approved by the building administrator and the student's parents. Such articles should be similar in content and length. The building administrator may also permit the dedication of a single program, playbill, book, or specific event related to the student's interests or activities no later than one calendar year of the student's death.

## 2006-AR Behavior

**Student Code of Conduct** The Superintendent has developed and promulgated the School District's Student Code of Conduct consistent with Board Policy 2006. The current Student Code of Conduct is posted on the School District's website and/or is accessible on each school's website. Building administrators and teachers are responsible for enforcing the Student Code of Conduct in their buildings and classrooms.

## **Student Bullying**

### **Implementation.**

*Responsible School Official.* The Principal of each school building is primarily responsible for implementing this administrative regulation and its corresponding policy for the school to which he or she is assigned.

*Publication.* The Superintendent will revise the School District's Student Code of Conduct, consistent with this administrative regulation, specifically, to prohibit bullying and cyberbullying, as defined below. The Superintendent is directed to post this administrative regulation and its implementing policy on the School District's website.

*Reporting.* The Superintendent shall report to the Board of Education, on an annual basis, all verified incidents of bullying, and the resulting consequences that were imposed.

**Definitions.** The following definitions apply for purposes of this administrative regulation and its corresponding policy:

*"Bullying"* means any written, verbal, or physical act, or any electronic communication, including, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm one or more School District students, either directly or indirectly, by doing any of the following:

- (i) Substantially interfering with educational opportunities, benefits, or programs;
- (ii) Adversely affecting a student's ability to participate in or benefit from educational programs or activities by placing a student in reasonable fear of physical harm or by causing substantial emotional distress;
- (iii) Having an actual and substantial detrimental effect on a student's physical or mental health; or
- (iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

*"At school"* means in a classroom, anywhere else on school premises, on a school bus or other school-related vehicle, and at a school-sponsored activity or event, whether or not it is held on school premises. *"At school"* includes the off-premises use of a telecommunications access device or telecommunications service provider if the device or service provider is owned by or under the control of the School District.

*"Cyberbullying"* means any electronic communication that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

- (i) Substantially interfering with educational opportunities, benefits, or programs;
- (ii) Adversely affecting a student's ability to participate in or benefit from educational programs or activities by placing a student in reasonable fear of physical harm or by causing substantial emotional distress;
- (iii) Having an actual and substantial detrimental effect on a student's physical or mental health; or
- (iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

**Accountability.** Each student in the School District is accountable for his/her own behavior, based on age-appropriate expectations. Respect for all students is part of a safe and healthy learning environment. Each student is expected to demonstrate respect through their interactions with the give-and-take of

friendships, group cooperation, social interaction, compromise, and acceptance of differences among other students and staff.

**Retaliation.** Retaliation against a target of bullying, a witness, another person with reliable information about an act of bullying or any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy independent of whether a complaint is found to have been substantiated. Suspected reprisal or retaliation should be reported in the same manner as bullying.

Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action.

**Complaint Procedure.** In order to implement the bullying policy, the School District has developed the following complaint procedure:

A student and/or parent who believes that a student has been the victim of bullying or cyberbullying must immediately report the incident(s) to a building administrator. Upon receipt of a report (complaint), the principal or his/her designee (the investigator) will conduct a prompt investigation. At the request or with the permission of the complainant, the investigator may first attempt to resolve the matter informally, such as through restorative practices. Informal steps will not, however, cause a substantial delay in the investigation. The complainant may, at any time, request that the matter move to a formal investigation. Where the bullying activity is alleged to have been based, in whole or in part, on the protected classifications of race, color, sex, national origin, or disability, the building principal will notify the School District's designated Compliance Officer or Coordinator pursuant to Board of Education Policy 2006.

*Step 1: Formal Investigation.* The investigator will interview the complainant and document the interview. Generally, the complainant will be asked to reduce the complaint to writing, to provide the names and contact information, if known, of any persons who witnessed and may be able to substantiate the allegations of the complaint, and to produce any documents or other things supporting the complaint. The complainant will be directed not to discuss the complaint with other students while the investigation is pending.

The investigator will interview the accused and document the interview. Generally, the accused will be asked to reduce his/her response to writing and to produce any documents or other things supporting his/her response. The investigator should not disclose the identity of the complainant unless this is necessary to enable the accused student to respond to the allegations. The accused will be directed not to contact the complainant, if the complainant's identity is known or suspected, or retaliate or threaten to retaliate in any way against the complainant or any potential witnesses

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

*Step 2: Decision.*

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

- The parent of both the complainant and the accused will be notified of the results of the investigation;
- The results of the investigation will be reported to the Superintendent;
- The Superintendent will consider whether restorative practices may be appropriate and, if so, invite the complainant and the accused to participate in a restorative practices team meeting;

- The Superintendent will consider whether disciplinary action may be appropriate and, if so, initiate disciplinary action in accordance with the Student Code of Conduct; and
- The Superintendent will determine whether relief to the complainant is feasible and available.

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

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

**Positive Behavior Supports and Alternatives to Corporal Punishment** Each building administrator will notify the Superintendent of the positive behavior supports or positive behavior support plan available to implement in his/her building. Positive behavior supports and support plans are one of the School District's alternatives to corporal punishment. The School District's Student Code of Conduct is another alternative to corporal punishment, which is prohibited by state law.

**Athletic Code of Conduct** The Superintendent has developed and promulgated the School District's Athletic Code of Conduct. The current Athletic Code of Conduct is posted on the School District's website and is also accessible by clicking [here](#). Building administrators, teachers, club sponsors, and coaches are responsible for enforcing the Athletic Code of conduct in their buildings and programs.

**Snap Suspensions** If a student engages in conduct which unquestionably interferes with the education of him/herself or other students, or a teacher has good reason to believe a student has engaged in conduct which poses a clear and present danger to him/herself or other students, the teacher may suspend the student from a class, subject, or activity for one full school day, subject to building administrator approval and in a manner consistent with Board Policy 2006.

## 2007-AR Health and Safety

### Medication

**Administration of Medication by School District Personnel.** School District personnel will not administer medication to students except according to this regulation.

The parent must submit a request to administer prescription or non-prescription medication to the building administrator on a form approved by the Superintendent and signed by both the parent and the student's physician. The request must include at least the following information: the name of the student, the name of medication, the dosage, the time and frequency of administration during the school day, and, other special instructions, if any. Upon approval by the building administrator, School District personnel will administer medication to students subject to the following conditions:

1. Medication must be submitted in its original container.

2. Medication must be brought to and returned from the school by the parent for all students;
3. The parent must ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
4. The parent must ensure that the school is informed in writing of any changes in medication instructions; and,
5. In the event a student refuses medication, the parent will be notified immediately.

**Storage and Monitoring.** The building administrator is responsible for properly storing and monitoring medications administered by School District personnel. Medications will be secured by lock and access to medication storage keys will be limited to the building principal and designated school staff. Following administration, the medication container will be properly sealed and returned to storage.

**Administration of Medication by Students.** Students are prohibited from sharing or administering medication with or to each other, except in cases of a life-threatening emergency. The building administrator may grant a student permission to self-administer medication if the student's parent has provided written permission. For prescription medications, the parent must also provide the building administrator with written approval of the student's physician. A student who has been approved for self-medication may have in his/her possession only the quantity of medication needed for that school day, unless otherwise approved, in writing, by the building administrator.

**Seclusion and Restraint** Michigan law prohibits seclusion and restraint, except emergency seclusion and emergency physical restraint. The Superintendent designates the School District's Assistant Superintendent of Special Education to coordinate training for staff consistent with Michigan law.

**Wellness** The Superintendent will establish the School District's Wellness Committee. The Wellness Committee will participate in the development, implementation and periodic review and update of the School District's Wellness Policy, which includes this administrative regulation. At least every three years, the District will post an invitation to the school community (including parents, students, school food authority representatives, PE teachers, school health professionals, school board members, school administrators and the general public), offering the opportunity to participate in the Wellness Committee. The Superintendent delegates to the School District's Assistant Superintendents of Curriculum the duty of appointing and coordinating the duties of the Wellness Committee, maintaining a regular meeting schedule, and ensuring that the Wellness Policy has been implemented within the School District. The School District's Wellness Policy will be posted on its website.

The Wellness Committee will comply with all applicable legal requirements including, but not limited to: proposing and, upon the Superintendent's approval, implementing School District nutrition and physical activity standards; integrating the School District's nutrition and physical activity standards into the School District's curriculum consistent with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education; assuring that School District staff professional development addresses nutrition and physical activity issues; assuring that food and nutrition services staff receive annual training in accordance with USDA Professional Standards; and assuring that School District students receive nutrition education and engage in vigorous physical activity. The School District will promote nutrition standards by ensuring all foods and beverages sold to students during the school day meet the USDA Smart Snacks standards and National School Lunch and/or Breakfast standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10 or 220.8, as applicable. Water stations will be available in or near the space where students eat during mealtimes. The School District will also ensure that students' eligibility for and/or participation in free or reduced priced meals will be kept confidential by not identifying students or otherwise singling them out.

At least once every three years, the Wellness Committee will report to the School District's Superintendent: the extent to which the Wellness Policy compares to model school wellness policies; the extent to which



the School District's schools are in compliance with the Wellness Policy; and, the School District's progress in attaining the goals established by the Wellness Committee. The Wellness Committee will update the Wellness Policy, as necessary, based on the results of the report. The School District will make the report and any updates to the Wellness Policy available to the public.

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

**Student Possession and Use.** Students may possess and, if necessary, use epi-pens on School District premises and at school-related activities, programs and events if the following three conditions are met:

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

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

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

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

**Administration of Epi-Pen Injectors.** Designated staff members who have been trained in accordance with these procedures are required to administer an epi-pen injection to any person on school grounds who is believed to be suffering an anaphylactic reaction.

An anaphylactic reaction is a severe, potentially life-threatening allergic reaction that may occur within seconds or minutes of exposure to an allergen. Common allergens that cause anaphylactic reactions in school include, but are not limited to, peanuts and tree nuts and venom from bee stings. All administrators and teachers are required to notify a designated staff member in the event he or she believes an individual on school grounds is suffering an anaphylactic reaction.

**Reporting.** The building administrator is required to notify the parent of any student who receives an epi-pen injection at school. Notification is to be made to the Superintendent and the School District's nurse at the same time. The Superintendent designates School District's nurse to annually report to the Michigan Department of Education the number of epi-pen injections provided to students at school each year; the

number of epi-pen injections to such students who were not previously known to have allergies; and, the number of students who were administered epi-pens from the School District's stock of epi-pens.

### **Cardiac Emergency Response Plan**

**Introduction.** This regulation was adopted to comply with [2014 PA 12](#). Sudden cardiac arrest is the sudden, unexpected loss of heart function, breathing and consciousness. Sudden cardiac arrest is a medical emergency. If not treated immediately, it causes sudden cardiac death. Sudden cardiac arrest symptoms are immediate and drastic and may include sudden collapse, no pulse, no breathing, or loss of consciousness. Sometimes sudden cardiac arrest is preceded by fatigue, weakness, palpitations, or vomiting. Other times, sudden cardiac arrest occurs without warning. Reference: [Mayo Clinic Website](#).

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

**Training.** All building administrators, 50% of sports coaches, 50% of physical education teachers, and 10% of other staff members will be trained and certified in cardiopulmonary resuscitation techniques (CPR) and the use of AEDs. The District will be responsible for securing and arranging the necessary training from or through a supplier listed on [MDE's List of Approved Providers for First Aid and CPR](#). Each building principal will be responsible for informing all school staff members of the identities of trained staff members and informing his or her supervisor if the number of trained staff members falls below the requirements of this regulation. The building principal will be responsible for conducting at least one cardiac emergency response drill per year.

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

**Required Actions.** An untrained staff member who observes a student or other person who may be experiencing sudden cardiac arrest at school must immediately: call 911 and notify the operator of the victim's name, sex, age or approximate age, condition, and location; notify the office; notify a trained staff member; and, retrieve the nearest AED.

A trained staff member who observes a student or other person who may be experiencing sudden cardiac arrest at school must immediately: call 911 (and report to the operator as described above); notify the office; and, attend to the victim according to his or her training.

Building administrators, upon observing or being notified that a student or other person may be experiencing sudden cardiac arrest at school, must immediately: call 911 (and report to the operator as described above); secure the emergency card (in the case of a student); report to the scene of the emergency with an AED and any medication prescribed for the student; and, attend to the victim according to their training. The building principal must notify the family of any student who may have experienced a sudden cardiac emergency at school.

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

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

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

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

**Surveillance** The Superintendent authorizes surveillance to improve the safety and security of School District staff, students, premises, and equipment. Surveillance may include: observation by School District staff; observation by law enforcement personnel; video surveillance devices; and, other monitoring School District equipment, including computers, and networks. School District surveillance will be within all applicable legal requirements.

**Sports Concussions** The School District's Athletic Directors are responsible for making available to physical education teachers and the coaches of extracurricular athletic activities educational materials that address the signs, symptoms, and consequences of concussions. Students may not be permitted to participate in a physical education class or extracurricular athletic activity until the receipt of such education materials has been acknowledged by the student and his/her parents. The building principal will maintain the signed receipt in the student's CA-60.

**Do-Not Resuscitate (DNR) Orders and POST Forms** An individual who either determines a declarant is wearing a DNR identification bracelet or has actual notice of a declarant's DNR order is prohibited from attempting to resuscitate the declarant before a health professional, as defined under [section 11](#) of the [Michigan Do-Not-Resuscitate Procedure Act, MCL 333.1051, et seq.](#) (Act), arrives at the declarant's location. This paragraph applies to declarants who are minor children enrolled and located at school.

**Revocation.** A declarant may revoke a DNR order executed by the declarant or a person acting on the declarant's behalf at any time and in any manner the declarant is able to communicate. If the declarant's revocation is not in writing, any person who observes the declarant's revocation will: sign a written statement describing the circumstances of the revocation; deliver a copy to the declarant's attending physician, or his/her delegate, as the terms are defined under [section 2](#) of the Act and [MCL 333.16215](#), respectively; and to the administrator, or his/her designee, of the declarant's school. A revocation of a DNR order is binding upon another person at the time that person receives actual notice of the revocation.

A parent may revoke an order on behalf of a declarant at any time by issuing the revocation in writing and providing actual notice of revocation by delivering the document to, among others, the administrator, or his/her designee, of the declarant's school.

**Probate Court Petition.** In the event a person interested in the welfare of a declarant or ward believes a DNR order has been executed contrary to the wishes of the declarant or the best interests of the ward, the person may petition the probate court to have the order and the conditions of its execution reviewed.

**Storage of DNR Orders.** An administrator, or his/her designee, who receives a copy of a DNR order or a POST form, or a revocation of either, for an enrolled student will do all of the following:

- Immediately place the DNR order or revocation in a file created specifically for such documents and the POST form or revocation in a file created specifically for such documents, in the manner and location determined by the administrator.
- If the administrator, or his/her designee, receives a DNR order or POST form during the immediately preceding school year, the administrator, or his/her designee, must contact the student's parent at the beginning of the school year to determine if the DNR order or POST form is still in effect and, if applicable, request an updated POST form.

- Provide actual notice, of a DNR order or POST form, or the revocation of a DNR order, as defined under [section 10](#) of the Act, or POST form to each teacher or other school employee who provides instructional or non-instructional services directly to the student.

**Training.** Upon a school’s receipt of a DNR order, the Board will ensure timely and appropriate training regarding compliance with the order to teachers or other School District employees who provide services to the student, according to each employee’s level of responsibility.

This administrative regulation is promulgated pursuant to the [Act](#) and sections [1180](#) and [1181](#) of the Revised School Code.

**Definitions for this Administrative Regulation.**

“*Actual notice*” for a DNR order includes the physical presentation of the order, a revocation of an order, or another written document authorized under the Act for a declarant. “Actual notice” for a POST form is defined under the [Public Health Code, MCL 333.1101, et seq.](#) and includes all of the following:

- The physical presentation of a form or revoked form.
- The electronic transmission of a form or revoked form, if the recipient sends electronic confirmation indicating it was received to the patient, patient representative, or attending health professional.
- Knowledge of an individual's intent to revoke the POST form by a health professional who is treating the patient, by an attending health professional, or by emergency medical services personnel.

“*Declarant*” means an individual who has executed a DNR order for him-/herself or on whose behalf a DNR order has been executed. “Declarant” includes a “ward,” which means an individual for whom a guardian has been appointed.

“*Parent*” means the natural or adoptive parent of a minor child who possesses legal decision-making authority for important decisions affecting the welfare of the child and, for purposes of this administrative regulation, includes “guardian” as the term is defined under the [Estates and Protected Individuals Code, MCL 700.1101, et seq.](#)

“*Physician orders for scope of treatment form*” or “*POST form*” is the standardized POST form defined under [section 5674](#) of the Public Health Code.

“*Resuscitate*” means to perform cardiopulmonary resuscitation or a component thereof, including, but not limited to: cardiac compression; endotracheal intubation or other advanced airway management; artificial ventilation; defibrillation; the administration of a cardiac resuscitation medication, and/or related procedures. “Resuscitate” does not include the Heimlich maneuver or a similar procedure used to expel throat obstructions.

“School” means a public or nonpublic school as those terms are defined under [MCL 380.5](#).

## 3000-AR

## CURRICULUM AND INSTRUCTION

The 3000 series of Board Policies permits or requires the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on September 15, 2023 and posted them on the School District's website. All School District personnel and Students are required to follow these administrative regulations.

The Superintendent designates the School District's Assistant Superintendents for Curriculum to review the 3000 series of Board Policies and these regulations at least annually. The Assistant Superintendents for Curriculum are also expected to recommend to the Superintendent legally compliant revisions and additions to the 3000 series of Board Policies and these administrative regulations.

## 3001-AR

## Curriculum Development

The curriculum identifies the School District's prescribed programs and courses. Ongoing review with input from School District personnel, other professional educators, and parents is necessary to assure the curriculum remains relevant and up to date. The School District's Assistant Superintendents for Curriculum will be responsible for overseeing the ongoing review of the curriculum. The Assistant Superintendents for Curriculum will form a curriculum committee composed of grade and department chairs; the Assistant Superintendents for Curriculum will serve as the co-chairs. Any revisions to the curriculum that are recommended by the committee will be reported to the Superintendent for review. The Superintendent will report all revisions to the Board for review, consideration, and possible adoption.

## 3002-AR

## Parental Involvement

**Generally** The Board of Education has adopted Policy 3002, Parental Involvement, to express its strong support for the involvement of parents in their children's education. The Policy was adopted, in part, to meet the requirements of [Title I of the Elementary and Secondary Education Act of 1965](#). The purpose of this administrative regulation is to assure that Policy 3002 is fully implemented and all legal requirements are met.

For purposes of this administrative regulation, the School District will follow the statutory definition of parental involvement:

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

To implement parental involvement, the School District's Assistant Superintendents for Curriculum will develop a joint Districtwide Parental Involvement Plan in the following manner: the School District will hold meetings with parents, at least semi-annually, to jointly develop, review, and modify the Parental Involvement Plan; send periodic communications addressed to parents through the School District's website and other media; and, circulate a draft parental involvement policy to parents before it is adopted.

The School District's Assistant Superintendents for Curriculum will also undertake school review and improvement in the following manner: a consolidated local improvement plan meeting will be held annually, during the months of August/September (the purpose of the meeting will be to determine the assistance that will be offered to individual schools to develop parental involvement activities to improve their

children's academic achievement); parents will be provided with interpreters or translators during the meeting, as necessary, to permit meaningful participation; and, parents will be encouraged to provide comments about School District and individual school practices, as well as educational programs and activities, throughout the year, by contacting the School District's Assistant Superintendents for Curriculum.

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

**Program Supports** The Assistant Superintendents for Curriculum will receive parent input with respect to various School District programs and coordinate implementation activities. An essential part of this process will be collecting information from parents in terms of personal experiences with the processes and fully considering suggestions for improvement. Support will be offered to individual schools within the School District to explore and utilize effective communication strategies, particularly for parents from diverse cultural, socio-economic, and language backgrounds.

**Supporting and Training – Parents** In order to assist parents with meaningful involvement in their children's education, the following activities will be coordinated by the School District's Assistant Superintendents for Curriculum: periodic meetings to discuss academic content standards, student assessments and achievement standards, monitoring academic progress and communication with teachers and building level personnel; and, materials and training to assist parents in understanding areas such as literacy and technology. Building principals will also provide parents with grade-level materials and training to help them support their children's learning at home.

**Supports and Training – Staff** In order to assist School District staff with the meaningful involvement of parents in the educational process, building principals will offer staff supports and training, including suggestions for: reaching out to and communicating with parents; understanding the importance of parental involvement; implementing and coordinating parent programs; and, working with parents as partners.

**Coordination of Parental Involvement with Community Programs** The School District will make efforts to coordinate parental involvement programs with programs in the local community. For more information on these offerings, please contact the Assistant Superintendents for Curriculum.

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

## **3004-AR Textbooks and Other Instructional Materials**

The School District will select and use instructional materials, including textbooks that are compatible with the School District's curriculum. Such materials should assist students in reaching State standards and in meeting School District grade level expectations and course requirements. The Superintendent may, from time to time, appoint an *ad hoc* committee of School District administrators and teachers to assist in the selection of instructional materials. The committee will recommend instructional materials that: are consistent with and provide support and enrichment for the School District's adopted courses of study and curricular goals; meet high standards of quality in factual content and educational significance; present with readability and organization; are appropriate for the ability level, learning styles, and emotional and social development of the students for whom the materials are selected; and, support a balanced approach to controversial issues that include representations of various points of view.

**3005-AR****Selection of Media Center Materials**

Media Center materials will: support and be consistent with the general educational goals of the School District; meet high standards of quality in factual content, artistic and literary value, and presentation; be appropriate for the age, emotional development, ability level, and social development of students for whom materials are selected; have aesthetic, literary, scientific, or social value; be current and up-to-date; and, be selected to reflect our diverse society. The selection of materials on controversial issues will be directed towards maintaining a diverse collection representing various points of view.

**3006-AR****Parental Objections**

Parents who object to instructional materials or media center materials may present their objection(s) based on our material reconsideration process. For a copy of this process, please reach out to the School District curriculum office. If necessary a curriculum review team will be created to review the material of concern. Based on this review, the curriculum review team will: sustain the objection, in whole or in part, and take action consistent with his or her decision, or deny the objection. In either case, the Superintendent will notify the parents with a brief explanation of his or her decision. The Superintendent's decision will be final and binding.



The 4000 series of Board Policies permits or requires the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on September 15, 2023 and posted them on the School District's website. All School District personnel and students are required to follow these administrative regulations.

The Superintendent designates the School District's Assistant Superintendent of Administrative Services to review the 4000 series of Board Policies and these regulations at least annually. The Assistant Superintendent of Administrative Services is also expected to recommend to the Superintendent legally compliant revisions and additions to the 4000 series of Board Policies and these administrative regulations.

#### 4001-AR Administrative Staff and Organization

The Superintendent, in consultation with the Board of Education, will determine the overall structure and staffing level of the School District's administration and other professional and non-professional staff.

#### 4002-AR Employment Considerations

**Recruiting** Job postings will be published online with an application and application procedure approved by the School District's Assistant Superintendent of Administrative Services. Job postings will provide, at a minimum, a job description, necessary qualifications and the time period, and methodology for submitting an application. Job postings will be available on the School District website or other means at the discretion of the School District. If an enforceable provision of a collective bargaining agreement or employment contract requires notice of posting, the job must be posted accordingly. The Superintendent may choose an outside agency or other method to recruit employees.

**Applications** Applications should be submitted consistent with job postings. The failure to do so may result in the applicant not being considered for employment.

**Physicals and Drug Tests** An applicant who has been offered employment may be required to take a pre-employment physical and drug test.

**Hiring and Recommendations for Hiring** The Board of Education hires the Superintendent. The Board of Education hires other professional and non-professional staff at the recommendation of the Superintendent. If necessary, in the Superintendent's discretion, an individual may begin employment pending approval by the Board of Education.

**Criminal Background Checks** The School District will have the Michigan State Police (MSP) obtain criminal history record information (CHRI) from both the state and the Federal Bureau of Investigation (FBI) for all individuals listed in Board Policy [4002/4000.02] (Criminal Background Checks) and [MCL 380.1230\(1\)-\(2\) of the Revised School Code](#). Employees who fail to comply with this regulation and related policy will be subject to discipline, upon review and approval by the Superintendent. The School District agrees to enter into any agreements as required by the MSP necessary to access CHRI information and maintain the School District's legal obligation to perform such checks.

**Local Agency Security Officer (LASO).** The School District will appoint the Human Resources Administrative Assistant as its LASO. The LASO will be designated on the appropriate form as provided by MSP and the School District will submit an updated form for each newly-appointed LASO. The LASO will be responsible for ensuring compliance with these regulations and relevant laws. The LASO will also be responsible for ensuring personnel security screening procedures are being followed, appropriate security measures are in place for the protection of CHRI, MSP is informed of any security breaches, and



only approved School District personnel have access to and are using the CHRI in a manner compliant with the law.

**Access to CHRI.**

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

The School District will provide consent forms, such as the Livescan form (RI-030) found on the MSP website, to all personnel requested to undergo fingerprint-based criminal background checks. School District personnel should be provided the opportunity to contest or appeal their CHRI results. This procedure should also be used for information technology contractors and vendors with the exception that approval should not be granted to contractors and vendors with outstanding arrest warrants. Non-information technology contractors or vendors will not have access to CHRI.

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

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

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

*Reassignment/Transfer.* The LASO will review the reassignment or transfer of all School District personnel with access to CHRI to determine whether access remains appropriate and, if access is no longer appropriate, will suspend access within 24 hours of the employee's reassignment or transfer. The person responsible for approving the reassignment or transfer will provide notice to the LASO that an employee has been reassigned or transferred as soon as possible. In addition, the School District will follow the bulleted steps identified under "Termination," below.

*Termination.* Within 24 hours of receiving notice that a School District staff member with access to CHRI has terminated their employment with the School District, the LASO will remove the employee's access to CHRI. The LASO will notify all current and new personnel that s/he should be informed of a staff member's termination via email as soon as possible. In addition:

- The IT Department will disable the employee's digital accounts and accesses.
- The LASO will collect all physical keys and/or key cards from the employee.

The LASO will deactivate the employee on the Criminal History Record Internet Subscription Service system. If the employee is the LASO, a new LASO will be appointed immediately following the steps set forth by the Michigan State Police.

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

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

**Media Containing CHRI.** Only School District personnel who have undergone CHRI training will have access to digital and physical media containing CHRI. The School District will either: ensure all media is stored in a physically secure location which can only be accessed by approved persons; or encrypt all CHRI data consistent with the most recent FBI CJIS Security Policy and store the data on a server only accessible to approved School District personnel. Cloud storage is not permitted. Physical CHRI data will be maintained within individual personnel records, to the extent feasible.

The School District will control all items entering and exiting the physically secure location to ensure CHRI is not removed.

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

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

	<b>Physical/Hard Copy CHRI</b>	<b>Digital CHRI</b>
<b>Preparation</b>	The container in which the CHRI is stored will be locked at all times in the Human Resources office. The file cabinet will be locked when staff is not present.	Firewalls, virus protection, and malware/spyware will be maintained. Computer monitors will be positioned so only the person accessing the CHRI can view it.
<b>Detection</b>	Physical intrusions into the building will be monitored by means of a building alarm and by ensuring the building is locked at night.	Electronic intrusions will be monitored by virus and malware/spyware protections.
<b>Analysis</b>	The LASO will work with local law enforcement officers to determine how the subject incident occurred and the data affected.	The IT Department will determine what systems were compromised and what data was affected.

<b>Containment</b>	The LASO will lock uncompromised CHRI information in a secure container or transport CHRI to a secure location.	The IT Department will stop the spread of any intrusion to prevent further damage.
<b>Eradication</b>	The LASO will work with local law enforcement officers to remove any threats that compromise CHRI data.	The IT Department will remove the intrusion before restoring the system. All steps necessary to prevent recurrence of the intrusion will be taken before restoring the system.
<b>Recovery</b>	The local law enforcement agency will handle and oversee recovery of stolen CHRI data. The LASO may contact MSP for assistance in re-fingerprinting, if necessary.	The IT Department will restore the agency information system and data to a safe environment.

**Incident Response.** For information security incidents, defined as major incidents that significantly endanger the security or integrity of CHRI, the LASO will draft a written incident report and provides copies to the Superintendent and the head of the IT Department. The LASO will also gather evidence of the breach, including: how the breach was initiated, any information that was disseminated, and steps the School District will take to prevent recurrence of the breach.

The School District will report incidents to the local police department and the District’s legal counsel. Reported incidents will be tracked and documented on an ongoing basis. When an incident involves the breach of CHRI, the School District will report the security breach to the MSP ISO by use of the “Information Security Officer (ISO) Computer Security Incident Response Capability Reporting” form (CJIS-016). A copy of any completed forms will be retained and kept by the LASO.

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

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

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

**4003-AR Conditions of Employment**

**Purposes of Conditions of Employment** School District employees are public servants who are expected to put the interests of the students and community they serve above their own personal or

professional interests. At the same time, the School District's administration must, consistent with Board of Education policies, resolutions, resources, and directives, create a positive and supportive work environment for School District personnel who are meeting or exceeding expectations.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Reasonable Suspicion Alcohol Testing.** A driver will be required to submit to an alcohol test when the School District supervisor or administrator has reasonable suspicion that the driver has violated alcohol prohibitions. Mere possession of alcohol is not considered reasonable suspicion for testing. In order to warrant reasonable suspicion alcohol testing, the observations must be made during, just before, or just after the period of the work day in which the driver is subject to alcohol prohibitions. The test should be administered as soon as practicable following the observation. The School District will not attempt to test if the testing is not to be administered within eight (8) hours of the observation.

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

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

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

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

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

The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances which is administered by federal, state, and/or local officials having independent authority to

conduct the test, shall be considered to meet the requirements of this procedure if the results are released to the School District.

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

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

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

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

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

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

**Staffing, Layoff, and Recall of Teachers** This administrative guideline applies to those individuals whose employment is regulated by the [Teachers' Tenure Act, MCL 38.71 et seq.](#) As used herein, the term "effectiveness" is based on the effectiveness label given a teacher in their most recent year end evaluation pursuant to the School District's evaluation system. The term "qualification" as used herein includes, but is not limited to, an individual's: areas of certification, level of degree attained, type of degree attained (major, minor, or area(s) of focus), relevant previous experience, grade level of relevant experience, relevant classes or training, previous ratings, effectiveness and overall performance as a teacher, or past disciplinary or other employment concerns.

**Process for Conducting Layoffs.** Reductions shall take place first based on department and location. The District shall layoff starting with the teacher with the lowest Effectiveness Rating and proceeding toward the teacher with the highest Effectiveness Rating in the department.

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

- *Individual Performance.* Individual performance consists of the following:
  1. Evidence of student growth, which shall be the predominant factor in assessing an employee's individual performance.

2. Demonstrated pedagogical skills, including at least a special determination concerning the teacher's knowledge of his or her subject area and the ability to impart that knowledge through planning, delivering rigorous content, checking for and building higher-level understanding, differentiating and managing a classroom, and consistent preparation to maximize instructional time.
  3. Classroom management, manner and efficacy of disciplining pupils, rapport with parents and other teachers, and ability to withstand the strain of teaching.
  4. The teacher's attendance and disciplinary record, if any.
- *Significant, Relevant Accomplishments and Contributions.* This factor shall be based on whether the individual contributes to the overall performance of the school by making clear, significant, relevant contributions above the normal expectations for an individual in his or her peer group and having demonstrated a record of exceptional performance.
  - *Relevant Special Training.* This factor shall be based on completion of relevant training other than the professional development or continuing education that is required by the employer or by state law, and integration of that training into instruction in a meaningful way.
  - If all of the above factors are equal, the Superintendent or his/her designee may consider a teacher's seniority or tenure status.

In the event of a layoff, a teacher to be laid off will be given as much advance notice as practicable.

#### **Process for Conducting Recalls.**

##### *Teacher Rated Effective or Highly Effective.*

- Teachers rated highly effective on their most recent year end evaluation will be recalled first, followed by those rated effective on their most recent year end evaluation.
- If a recall decision is between teachers with the same effectiveness rating on his/her most recent year end evaluation, the factors listed in "Process for Conducting Layoff – Individual Performance" will be used to distinguish which individual should be recalled.
- A teacher on layoff will not be considered qualified for recall if that teacher has no experience teaching the subject matter, does not have a degree in the subject matter, or has not taught at the level (i.e., elementary, middle, or high school level).
- A highly effective or effective teacher will not be eligible for recall if: he/she fails to respond to a recall notice within five days; or, has resigned or otherwise terminated his/her employment with the School District.

##### *Teachers Rated Minimally Effective or Ineffective.*

- Teachers rated minimally effective or ineffective will not be automatically recalled.
- A teacher that has received a rating of ineffective on his/her most recent year end performance rating will not be given any preference that would result in him/her being retained or recalled over a teacher rated minimally effective, effective, or highly effective.

**HIPAA** The School District is committed to compliance with the health information privacy and security requirements of the [Health Insurance Portability and Accountability Act of 1996](#) (HIPAA). The School

District currently offers its employees HIPAA-compliant plans. These are considered “health plans” within the meaning of HIPAA and the School District is the “Plan Sponsor.” In order to assure compliance with HIPAA, the following Administrative Safeguards have been established.

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

*Authorization.* The Superintendent appoints Assistant Superintendent of Administrative Services to serve as the School District’s HIPAA Privacy and Security Officer. Only School District employees designated by the Privacy and Security Officer as requiring access to protected health information for Plan administration purposes will be given access to protected health information. These employees may view protected health information necessary to perform their duties without express authorization from the Plan member.

*Training.* School District employees authorized to have access to protected health information will receive training on an annual basis. Each such employee will be provided with a copy of the privacy policy and required to affirm, annually, in writing, that they have received the policy.

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

*Physical Safeguards.* Plan members’ protected health information will be stored in a locked file cabinet used solely for this purpose. Paper documents containing protected health information will be shredded before being discarded. Electronic files containing protected health information, if any, will be password protected. A facsimile machine used to transmit and receive protected health information will be in a secure location.

*Technical Safeguards.* To the extent protected health information is maintained electronically, access to electronic information systems or software programs will be provided to only those persons who have been granted access rights to protected health information. Procedures for controlling and tracking the handling of hardware and software, data backup, storage, and disposal will be implemented. This includes the receipt, handling, and disposal of protected health information. Employees will be required to close files when leaving their work stations to protect confidentiality.

The HIPAA Privacy and Security Officer will develop a contingency plan to maintain the continuity of operations in an emergency or disaster and to enable recovery of data following disaster. An annual internal audit of data security will be conducted, including the evaluation of security measures to protect data and review of personnel compliance with the Policy and procedures.

### **Remote Work**

**Voluntary Request.** Employees may submit a written remote work request to the Assistant Superintendent of Administrative Services for review and approval/denial.

**Accommodation Request.** Employees may request to work remotely in unique circumstances or when an employee with a qualifying disability believes that working remotely would allow them to perform the essential functions of their job. Assistant Superintendent of Administrative Services will review such requests consistent with all applicable legal standards.

**Remote Work Considerations.** Generally, the Assistant Superintendent of Administrative Services will consider requests to work remotely when: working remotely is appropriate considering the nature and essential functions of the employee’s job; the employee has demonstrated sustained high performance and the building administrator believes the employee can maintain the expected quantity and quality of work while working remotely; and the employee has a suitable off-site work location.



Conversely, the Assistant Superintendent of Administrative Services will generally not approve requests to work remotely when: the nature of the employee's job requires their physical presence in the workplace, such as when the employee must supervise the work of other employees or be present to interact with other employees, students, or third parties; the employee has received disciplinary action within the last 12 months; the employee has a demonstrated attendance problem; the employee requires close supervision; or the employee has been employed for less than 12 months.

Remote work requests that are granted may be withdrawn at the School District's sole discretion. If a remote work request is approved, employees must comply with all School District and building policies, procedures, and safety standards to the same extent as if they were working in person.

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

**Eligibility.** School District employees may be eligible for up to 12 weeks of unpaid leave under the [Family and Medical Leave Act](#) (FMLA). Employees are eligible if they: have at least 12 months of service with the School District; and, have worked for the School District for at least 1,250 hours within the preceding 12-month period. The 12-month period will be calculated separately for each employee. It will be determined based on a rolling calendar, looking backward from the commencement of the FMLA leave.

**Qualifying Events.** FMLA leave may be taken: for the birth of a child and to care for a newborn child; for the placement of a child with the employee for adoption or foster care; to care for a child, spouse, or parent of the employee who has a serious health condition; for the employee's own serious health condition which causes the employee to be unable to perform the essential functions of his or her job; where the employee experiences a qualifying exigency arising out of the fact that the employee's spouse, parent, or child is a covered military member on active duty or has been called to or on covered active duty status in the National Guard or Reserves; or, to care for an armed forces member or qualified veteran who is a spouse, parent, child, or next of kin of the employee and who is injured while on covered active duty, including an injury that manifests itself after completion of active duty.

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

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

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

**Intermittent Leave.** FMLA leave taken to care for a family member with a serious health condition or due to the employee's own serious health condition may be taken intermittently or on a reduced schedule, when medically necessary.

FMLA leave requested for the birth of a child, to care for a newborn child or for the placement of a child with the employee for purposes of adoption or foster care may not be taken intermittently or on a reduced leave schedule unless the employee and School District agree.

Instructional employees who request intermittent leave or a reduced schedule FMLA leave that constitutes more than 20% of the working days in the period during which the leave would extend may be required to choose either to: take FMLA leave for all or part of the FMLA leave period; or, transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates the School District's needs during the leave.

Instructional employees who request FMLA leave that will end near the conclusion of an academic term may be required to continue the leave until the end of the term.

Group health plan benefits will be maintained for the employee during the FMLA leave and the School District will contribute the same portion of the premium as it did while the employee was working. If the employee fails to make timely payment of his/her portion of the premium, the School District reserves the right to cease to maintain the employee's health benefits, provided the School District notifies the employee in writing at least 15 days before health coverage will lapse. If the employee fails to return from leave, the employee may be required to reimburse the School District for all premiums paid by the School District during the leave.

FMLA leave is generally unpaid. The employee may choose, or the School District may require, that any of the employee's available accrued paid vacation or personal leave be substituted for any part of the twelve (12) week FMLA leave period. An employee may choose, or the School District may require, that an employee's available sick leave be substituted for any part of the FMLA leave if the employee or a family member of the employee has a serious health condition for which sick leave is otherwise available. FMLA leave may run concurrently with workers' compensation or disability insurance coverage for a serious health condition.

The School District may require that any FMLA leave request be supported by certification (and, in appropriate cases, by periodic re-certifications) from a health care provider. The certification should be provided before the leave begins, if foreseeable, and must, in any event, be provided within 15 calendar days of a request made by the School District. The failure to provide a required medical certification in timely fashion may result in denial of the leave until the certification is provided.

An employee is not entitled to the accrual of any seniority or employment benefits that would have otherwise accrued during the period of leave unless specifically provided by the applicable collective bargaining agreement or an individual contract of employment.

The School District is prohibited from terminating or in any other manner discriminating against an employee for exercising rights under the FMLA.

**Return from Leave.** The School District may require that an employee returning from FMLA leave due to a serious health condition obtain certification from his/her health care provider that the employee is able to resume his/her duties and responsibilities.

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

**Paid Medical Leave** Eligible employees will be provided paid medical leave (PML) per benefit year, consistent with Michigan's [Paid Medical Leave Act](#) (PMLA). PML may not be used except in the manner permitted by law. For additional information, please contact the Assistant Superintendent of Administrative Services.

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

## 4004-AR Evaluations, Discipline and Discharge, Resignations

### Evaluations

**Superintendent's Evaluation.** The Board will evaluate the Superintendent annually. Superintendent evaluations will be consistent with the Superintendent's employment contract and compliant with Michigan law in a format determined by the Board of Education.

**Administrators.** The Superintendent will evaluate administrators annually using the Leadership Performance Rubric from Doug Reeves.

**Teachers.** Building principals will evaluate teachers annually using the iObservation from Learning and Sciences International.

**Employees Whose Evaluations are Not Governed by [Section 1249](#) of the Revised School Code.** The Superintendent will determine the manner in which such employees are evaluated.

### Discipline and Discharge

**Voluntary Discipline and Discharge.** Voluntary discipline and discharge should be documented in an agreement approved by the School District's Assistant Superintendent of Administrative Services.

#### **Involuntary Discipline and Discharge.**

*Due Process.* Involuntary Discipline and Discharge should be preceded by such due process as is required by the law and the employee's individual employment contract or collective bargaining agreement.

*Authority.* The School District's Superintendent and Assistant Superintendent of Administrative Services have authority to approve involuntary discipline or discharge. Involuntary discipline and discharge (as well as other actions) that trigger the requirements of the [Teachers' Tenure Act](#) may only be taken in conformity with the Act's requirements.

**Retirement and Resignation** School District employees may retire or resign at any time in conformity with any applicable individual employment contract or collective bargaining agreement. Retirements and resignations must be submitted to the School District's Superintendent or Assistant Superintendent of Administrative Services. The Superintendent has the authority to accept resignations on behalf of the Board of Education.

## 4005-AR Other Matters of Employment

**Whistleblowers' Protection Act** A person who reasonably believes a violation of the law, Board policy, or these administrative procedures has or is about to occur should submit their concern, in writing, to

the School District's Assistant Superintendent of Administrative Services or, if the School District's Assistant Superintendent of Administrative Services is involved in the violation, the President of the Board of Education.

**Employment Contracts and Collective Bargaining Agreements** District administrators and teachers are usually employed by the School District pursuant to individual employment contracts. The Assistant Superintendent of Administrative Services is authorized to work with the School District's attorney to create legally compliant individual employment contracts for administrators and teachers that provide the School District with the flexibility to assign and re-assign staff as necessary to promote the School District's teaching and learning objectives. Individual employment agreements are not binding on the School District unless and until they are approved by the Board of Education in open session.

The Assistant Superintendent of Administrative Services is directed to review and understand the teaching, staffing, and financial implications of all collective bargaining agreements into which the School District may have entered and, prior to each round of collective bargaining, to propose to the Superintendent necessary and desirable changes to improving teaching and learning in the School District given the School District's financial resources and other limitations. The Assistant Superintendent of Administrative Services should also police the implementation of the School District's collective bargaining agreements in a legally compliant manner and in the interest of improving teaching and learning in the School District consistent with the School District's financial resources and other limitations.

**Negotiations.** The Superintendent will, in consultation with the Board of Education, appoint a negotiating team for each round of collective bargaining with each labor organization. The Superintendent will, confidentially in closed session: consult with and inform the Board of Education, of the School District's objective in collective bargaining; how the School District objectives affect teaching and learning in the School District given the School District's financial resources and other limitations; the position of the bargaining unit in collective bargaining; periodically, the progress of negotiations; and, any tentative agreement(s). Tentative agreements and collective bargaining agreements are not binding on the Board unless and until they are approved by the Board of Education in open session.

**Interpretation.** Individual employment contracts and collective bargaining agreements may not be, or be interpreted, in a manner that is inconsistent with the laws and regulations of the United States or the State of Michigan. Individual employment contracts and collective bargaining agreements may not, and may not be interpreted to, implicitly restrict the legal authority and prerogatives of the Board of Education and the School District, except by clear and unambiguous language approved by the Board of Education in open session.

## 4006-AR

## Appeals

A School District employee may appeal a decision arising under or relating to the 4000 series Board policies and administrative procedures. Such an appeal must be submitted to the School District's Assistant Superintendent of Administrative Services, in writing, no later than 10 calendar days after the employees become aware of the grounds for appeal.

The 5000 series of Board Policies requires or permits the Superintendent, or his/her designee, to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on September 15, 2023 and posted them on the School District's website. All School District personnel and Students are required to follow these administrative regulations.

The Superintendent designates the District's Chief Financial Officer to review the 5000 series of Board Policies and these regulations at least annually. The Chief Financial Officer is also expected to recommend to the Superintendent legally compliant revisions and additions to the 5000 series of Board Policies and these administrative regulations.

**5002-AR****Budget Planning and Adoption**

The Superintendent designates the School District's Chief Financial Officer as the administrator with primary responsibility for developing and proposing the District's annual budget and any necessary or prudent budget revisions. The District's Chief Financial Officer will also be the District administrator with primary responsibility for preparing and delivering such reports and data as may be required by the State of Michigan, the Board, or the Superintendent.

The Chief Financial Officer will develop and present the Superintendent with a proposed annual budget on or before June 1 of each school year. The proposed annual budget will meet all applicable legal requirements and, in addition, will be consistent with Board policy and administrative procedures and best practices, including GASB 54. The Chief Financial Officer will develop and present to the Superintendent, in a timely fashion, such proposed amendments to the District's annual budget as may be warranted by the District's financial circumstances.

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

**5003-AR****Purchasing**

The School District must procure supplies, equipment, and services to carry out its educational mission. The Chief Financial Officer is the School District administrator with primary responsibility for ensuring School District procurement is: consistent with the District's educational mission; as efficient and effective as possible, given the circumstances; and, consistent with all legal requirements and Board policies. The Chief Financial Officer may recommend to the Superintendent revisions to these administrative regulations necessary to accomplish these goals. All assets over \$500 will be documented for insurance replacements and \$5000 for auditing, income statement, and auditing procedures.

**Procurement Using Federal Grants and Awards** The following procedures must be followed with respect to federal grants and awards.

**Cash Management** Cash management procedures are governed by [2 CFR 200.305](#). The regulation permits the School District to make payments to vendors by electronic funds transfer, check, warrant, or other means that minimize the time that elapses between the transfer of federal funds to the School.

**Federal Grants and Awards** The School District's Chief Financial Officer must approve all costs posted against federal grants and awards and, then, only after the School District's grant or award manager has

approved a received bill or invoice. Payroll costs will be documented according to the December 2013 OMB Supercircular.

**Conflicts of Interest.** Conflicts of interest are governed by [2 CFR 200.318](#). School District Board members, employees, and agents engaged in the selection, award, or administration of contracts paid for, in whole or in part, by federal grants and awards may not have a prohibited conflict of interest. A prohibited conflict of interest exists when a School District Board member, employee, or agent (or any members of his or her immediate family) has a financial interest in or has or would receive a tangible personal benefit from a firm considered for such a contract. A School District Board member who violates this administrative regulation is subject to discipline by the Board of Education or the Governor. A School District employee or agent who violates this administrative regulation is subject to discipline, up to and including discharge. This administrative regulation does not, and should not be interpreted to, supersede or diminish other laws, Board policies, or administrative procedures concerning prohibited conflicts of interest.

**Procurement Procedures.** School District procurement procedures are governed by [2 CFR 200.319](#). School District procurement solicitations must: include a clear and accurate description of the technical requirements for the material, product, or service to be procured that does not, in competitive procurements, contain features that unduly restrict competition by prospective vendors; and, identify all requirements prospective vendors must fulfill and all other factors the School District will use in evaluating bids or proposals.

**Evaluations of Proposals.** Most, but not all, solicitations for supplies, materials and services paid for, in whole or in part, by federal grants and awards involve competitive bidding. [2 CFR 200.320](#), [2 CFR 200.321](#), and/or [2 CFR 200.323\(a\)](#) are applicable to such situations. Among other things, the regulation requires the School District to create a written description of the manner in which the School District will conduct its technical evaluation of proposals by prospective vendors.

**Travel.** See [2 CFR 200.474](#). The travel costs (i.e., transportation, lodging, subsistence, and related costs) for School District Board members, employees, and agents may not be paid from federal grants and awards unless: they would be reimbursed pursuant to applicable School District policies and procedures; and, the individual's participation is necessary to the federal grant or award.

**Construction.** As reflected in the Board of Education Policies, the School District will construct new buildings and add to or renovate existing buildings through competitive bidding as required by law. The School District will also purchase materials, equipment, and supplies for School District operations on a competitive basis as required by law.

#### *Procedures.*

- Any construction of new buildings or additions or renovations of existing buildings will, to the extent required by law, be based on competitive bidding, typically through an RFP approved by the School District's Chief Financial Officer, the School District's Superintendent and the Board of Education.
- All purchases of materials, equipment and supplies will be made through the issuance of a purchase order signed by the School District's Chief Financial Officer.
- Prior to issuing a purchase order, competitive pricing is to be pursued, as follows:
  1. *Competitive Bids.* The competitive bidding process will be followed, where required by law.
  2. *Purchases Not Subject to Competitive Bidding.* In all other instances, the School District shall use measures, considered reasonable under the particular circumstances, intended to secure the highest quality product at the lowest possible price.

- Generally, orders or contracts will be awarded to the lowest, responsible, qualified vendor, considering the following factors: price, quality, conformance to specifications, identified needs, service and maintenance, and vendor reliability.

**Procurement of Professional Services** Professional services, such as architectural, legal, engineering, consulting, and auditing services, frequently requires familiarity with School District personnel, practices, and facilities. The School District recognizes there are advantages in maintaining continuity in the provision of these services and does not require bidding or annual re-bidding, except in cases where the Superintendent or Board of Education considers it in the School District's best interest. Periodically, the School District may competitively bid such services to ensure that service and pricing are aligned with the School District's best interests and industry norms. The criteria for awarding contracts for professional services will be determined by the Board of Education, following recommendations from the Superintendent, on an *ad hoc* basis.

**Bid Protest** A vendor who has actually submitted a bid may file a bid protest if that bid is not selected and otherwise conforms with the requirements for a complete bid under the solicitation documents. The bid protest must: contain a complete statement of the basis for the protest and all supporting documentation, including identifying information for the project (e.g., title, bid/RFP date, requisition number); refer to the specific portion(s) of the solicitation or other documents upon which the bid protest is based; and, include the name, address, and telephone number of the person representing the protesting vendor.

A bid protest must be filed in writing with the Superintendent within three (3) business days after the opening of the bid protested. Failure to strictly comply with any requirements for a bid protest will constitute waiver of protest proceedings.

Within five (5) business days after receipt of a bid protest, the Superintendent will review the bid protest. The Superintendent will within a reasonable time thereafter issue a written decision on the bid protest, and the decision will be final. The Superintendent may notify the Board of Education of the bid protest and the Superintendent's decision.

**5004-AR Surplus Property**

**Generally** The Superintendent, or designee, will develop a process for the periodic review of all real and personal property owned by the School District to determine whether any property is no longer needed for School District purposes. This may be due, in part, to the fact that the property is outdated or broken and beyond repair.

**Disposal of Real Property** Real property consists of School District land and buildings and fixtures. The Superintendent, or designee, will periodically review the real property owned by the School District to determine whether any such property is believed to be no longer needed for School District purposes. The Superintendent, or his/her designee, will, based on this review, recommend to the Board that it consider disposing of any real property that has been identified as no longer needed for School District purposes. The recommendation may include the estimated value of the property and possible means of disposition. In cases when the Board authorizes the sale or other disposition of real property, the Superintendent may, with concurrence of the Board, establish the asking price and other minimum terms. This information may be disseminated to real estate brokers, agents, and other persons who have indicated an interest in acquiring the property and the property may be listed or advertised for sale.

If the Board resolves to dispose of surplus real property by seeking bids or offers, the Superintendent, or designee, will solicit bids by publishing a notice including the following information and conditions:

- That sealed offers (or bids) are being solicited;
- The date for submission of offers (or bids) with a statement that late offers (bids) will not be



considered;

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

**Disposal of Personal Property** The Superintendent, or designee, will periodically prepare a list of the personal property of the School District that is found to be no longer needed for School District purposes. The property shall be classified within broad groupings.

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

## **5005-AR Investments**

**Operating Procedures** The Superintendent designates to the School District’s Chief Financial Officer’s primary responsibility for the investment of School District funds. The Finance Manager will publish operating procedures that will be delivered to the Superintendent and Board of Education for approval. These procedures will include: the specific delegation of authority to persons responsible for investment transactions; and, a system of controls to regulate investment activities, to be reviewed annually by the School District’s independent auditor. The controls will include:

- Control against improper collusion;
- The separation of transaction authority from accounting and record keeping;
- Custodial safekeeping;
- The written confirmation of transactions for investments and wire transfers; and,



- The development of a form wire transfer agreement.

**Reporting Requirements** The Superintendent will make a regular report to the Board concerning the District's investments and financial operations. The Chief Financial Officer will prepare a report for the Superintendent concerning the District's investments, etc. Such reports will include detailed information concerning both the School District's investments and the overall financial health of the School District.

Separately, the Superintendent will make an annual report to the Board concerning the District's investments and financial operations. The Chief Financial Officer will prepare an annual report for the Superintendent concerning the District's investments/financial operations and deliver it to the Superintendent on June 1 of each school year. The Chief Financial Officer's annual report will include a list of all of the institutions the School District used to make investments during the school year and the types of investments made by each institution. The Chief Financial Officer may not use institutions or make investments prohibited by law and may not authorize investments in derivatives, leveraged investments, or other instruments with significant risk of price volatility. The Chief Financial Officer, when considering a particular investment, should consider the following criteria, in the following priority: preservation of principal; School District cash flow needs; yield; and, coordination with other available financial services and School District needs.

## 5006-AR Risk Management

The School District promotes safety and accident prevention for its students and employees in consultation with its insurer(s). The following on-going measures are designed to further this undertaking: building principals will regularly report to the Superintendent or his/her designee all accidents, injuries, and property loss or damage within their school buildings and perceived risks of future harm, with recommendations to minimize such risks; and, the Finance Manager, or his/her designee will arrange for education of students and in-service for employees on matters of school safety and review all School District insurance policies and recommend to the Superintendent and the Board of Education areas in which modifications in coverage are warranted.

## 5008-AR Meal Charge / Food Services

This administrative regulation gives effect to the Board of Education's Meal Charge/Food Services Policy.

**Application for Summer EBT (Electronic Benefits Transfer) and Education Benefits with the Michigan School Meals Program** Parents may request reduced-price or full-price meal benefits by submitting the [form](#) found at <https://www.zps.org/about-us/food-service/>, or by contacting Food Service Office at 616-748-3128. Application forms are available in all buildings as well.

**Meal Account Balance** Payment for school meals is expected at the time of purchase. Parents are expected to regularly monitor their child's meal account balance online, at [zeeland.familyportal.cloud](http://zeeland.familyportal.cloud).

**Positive Balances.** Any unpaid meal charges or money remaining in a student's meal account balance will be carried over from one year to the next. The School District will refund balances in excess of \$5.00 when a student graduates or leaves the district by issuing a check. Balances of under \$5.00 will be refunded in person. There is also an option to transfer balances for students who leave the district to siblings who remain, or to donate to the Angel Fund.

**Insufficient Funds.** At this time meals are free for all students, but when it comes to snacks, beverages, and other ala carte items, or if we return to a time when meals are no longer free for all students, the process regarding insufficient funds is as follows.

When there is no money in a student's account, they cannot charge snacks, beverages, and/or ala carte items, but they will still receive a reimbursable meal.

### **Notification and Collection**

**Low Account Balances.** The School District will notify the student's household, by email or, if the District does not know the parent's email address, by telephone, when a student's meal account balance falls below the price of a reimbursable lunch for one day. The notification will include the current account balance. The District may choose to use the following sample email and/or robo call:

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

**Negative Account Balances.** The School District expects all delinquent debts will be paid in full on the last day the student will be in attendance for the relevant school year. Every effort will be made to recover delinquent debts when a student leaves the district, but ultimately if it is not paid by the student or their family we will cover the debt with The Food Service Angel Fund.

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

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

## **5013-AR Post-Issuance Tax Compliance**

This regulation establishes guidelines and procedures in connection with tax-exempt or tax-advantaged bonds and other debt obligations issued by the School District (generally referred to as "Obligations"). Tax exempt borrowings and other borrowings of the School District, including but not limited to tax-exempt bonds, refunding bonds, tax credit bonds, installment and lease purchase agreements, lines of credit, and state aid notes (SAN) and tax anticipation notes (TAN), and are collectively referred to as "obligations".

The School District intends to ensure that all tax-exempt obligations issued by the District satisfy all requirements of the [Internal Revenue Code of 1986](#), as amended (the "Code") and regulations there under (the "Regulations"). The Internal Revenue Service (IRS) has recommended that issuers of tax-exempt and tax-advantaged obligations have written procedures in place to enable the issuer to effectively monitor the post-issuance compliance requirements outlined in the IRS Code. Accordingly, the School District will maintain a procedure for post-issuance compliance that encompasses the following key elements: due diligence review at regular intervals; identifying the District official or employee responsible for review; training of the responsible District official or employee; retention of adequate records to substantiate compliance (e.g. records relating to expenditure of proceeds); procedures reasonably expected to timely identify noncompliance; and, procedures that the issuer will take steps to timely correct noncompliance

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

## 6000-AR

## FACILITIES AND OPERATIONS

The 6000 series of Board Policies requires or permits the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on September 15, 2023 and posted them on the School District's website. All School District personnel and Students are required to follow these administrative regulations.

The Superintendent designates the School District's Chief Financial Officer to review the 6000 series of Board Policies and these regulations at least annually. The Chief Financial Officer is also expected to recommend to the Superintendent legally compliant revisions and additions to the 6000 series of Board Policies and these administrative regulations.

## 6002-AR

## Safety and Security

**Facilities Inspection and Maintenance Program** A comprehensive facilities inspection and maintenance program will assure that School District facilities and grounds are kept safe, clean, and attractive. The Director of Facilities will coordinate an inspection program that includes, at a minimum: mechanical systems (heating, ventilation, and air conditioning); electrical (interior and exterior); roofs; windows and doors (interior and exterior); gates and fences; interior surfaces (floors, ceiling, walls); fire equipment; restrooms (accessibility, functionality, and cleanliness); sewers; playground and other school grounds; and, overall cleanliness. As necessary, the Director of Facilities will prepare and submit to the Superintendent a report of desirable or necessary repairs and improvements.

**School Safety Commission Liaison** Pursuant to [Section 1241](#) of the Revised School Code, the Board appoints the Assistant Superintendent of Administrative Services as the School District's school safety commission liaison. The liaison will work with the statewide School Safety Commission and the Office of School Safety to identify model practices for determining school safety measures.

## 6004-AR

## School Crisis, Response, and Closure

The Superintendent will appoint a District Crisis Response Team. The Team will meet regularly to review and consider revisions to the School District's School Crisis Response Plan. The Superintendent authorizes and directs the Principal of each building to appoint a School Crisis Team to coordinate the response to crises that may arise at the building. The principal of each building will notify the Superintendent of the members of the building's crisis team no later than September 15 of each school year. In addition, the Board will develop and adopt an Emergency Operations Plan pursuant to [MCL 380.1308b](#).

## 6005-AR

## Hazardous Chemicals and Substances

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

**Hazard Communication Program** The Director of Facilities will have primary responsibility for conducting an annual review and making recommendations to the Superintendent for revisions to the School District's Hazard Communication Program. The Program will include, at a minimum: container labeling; safety data sheets; employee information and training; and, the identification of hazardous substances known to be present within the School District.

**Procedures for Storage and Disposal of Chemicals** The Director of Facilities will develop procedures for the storage and disposal of chemicals used within the School District.

## 6007-AR

## Integrated Pest Management

The School District will provide students, staff and members of the school community with a school environment that is free of pests while reducing the use of harmful pesticides. The Director of Facilities is designated the Integrated Pest Management manager for the School District. He/she will: review and recommend to the Superintendent revisions to the School District's Integrated Pest Management Plan; develop and implement specific procedures to identify pest problems, review control options and application strategies and select, in each particular instance, the least toxic control method to manage problems; and, educate and train staff on pest identification and safe application strategies.

## 6008-AR

## Transportation

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

**Route Planning Considerations** The School District will select bus stops at its discretion. Disabled students will be transported in the manner required by law. Bus stops will be created in the most efficient manner - taking into account fuel conservation and time. The School District will take the following considerations into account when creating bus routes:

- When feasible, minimize the number of road hazards (i.e. steep hills, dangerous approaches to intersections, railroad crossings, narrow bridges, sharp curves, crowns of hills and other areas where visibility is obstructed.
- Ensure that necessary "turnarounds" are safe and suitable in all weather conditions.
- Create student stops that assure clear visibility and are in alignment with the MI Pupil Transportation Act.
- Avoid duplication and unnecessary mileage.
- Minimize the number of buses in use at any given time.
- Maintain a degree of flexibility for unforeseen circumstances.

Students who live:

- 1) within a walk boundary for each school ( $\frac{1}{2}$  mile for grades K-5 and 1 mile for grades 6-12),
  - 2) within the City of Zeeland limits or
  - 3) on dead-end roads or other places that prevent the safe passage of a school vehicle
- will not be eligible for a bus stop, but may utilize a shuttle bus from school to school if available.

The District will determine, on a case-by-case basis and at the Superintendent's discretion, the extent to which students and others (such as chaperones) are eligible for transportation to or from field trips and extra-curricular activities. Non-public student transportation will be provided in accordance with the laws.

**Bus Conduct** Parents are to be informed that school bus transportation is a privilege and not a right and that the bus driver is the sole authority on the bus while students are being transported. Students are expected to conduct themselves in the same proper manner at bus stops and on the bus as they are expected in school buildings.

The Student Handbook will state that parents are responsible for:

- The safety of their child while going to or from the bus stop and while waiting for the school bus.
- Their students being at the bus stop at least five minutes prior to the scheduled pick-up time.
- Damage by their child to the school bus as well as personal or public property.

Enforcement of student behaviors on the bus will require effective cooperation and communication between Transportation Staff and School Staff. Students who fail to abide by the Student Code of Conduct while riding the bus may lose their bus riding privileges

**Bus Safety** Proper transportation of students is a matter of continuing concern and it is imperative that all staff members and families associated with student transportation adhere to the following guidelines which have been designed to maximize the safety of students while riding the bus:

- Each school year, students will be allowed to have one (1) pick-up location and one (1) drop-off location, be it their home or caregiver.
- Students will be transported to/from the bus stop to their home attendance area school.
- Students attending a school other than their home attendance area school, may be shuttled to and from that school if a shuttle bus is currently being provided between both schools.
- It is the responsibility of parents to ensure that no Y5 or Kindergarten student is let off the bus alone. Parents should communicate with bus drivers in any special circumstances. Y5 and Kindergarten students who do not have someone present at their bus stop will be returned to their school or the bus garage.
- The Director of Transportation may grant an occasional change in a student's regular assigned bus stop for a special need if there is room on the bus. The student's parent(s) must submit a request 48 hours in advance by stopping into the Transportation office and filling out a "Temporary Bus Stop Change" form stating the reason for the change.
- Students (when applicable) shall cross all streets at least ten (10) feet in front of the school bus and only after the driver has signaled the student that it is safe to do so.
- Students are not allowed to play radios or other devices unless earphones are used.
- All students eligible for transportation will be assigned a Bus Tag and are required to carry a Bus Tag whenever utilizing bus services and are required to scan that tag in the designated area each time a student loads or unloads from a bus. Students who misplace their Bus Tag will be required to purchase a replacement tag from the Transportation Office.
- The following cargo is prohibited on a school bus: pets, alcoholic beverages, drugs, ammunition, explosives, firearms, knives, or any other dangerous materials or objects.
- All sport and/or band equipment must be secured inside a backpack or duffle bag and must fit in the students lap while riding the bus. Due to space constraints and safety considerations, no additional items may be brought on a bus.

**Use of School Buses for Non-School Functions** School buses will not be loaned or rented to commercial, private, or non-profit organizations, or any other organization, with the following exceptions: the local Parks and Recreation department, if approved by the Superintendent; field trips within District boundaries during normal school hours for District private and parochial schools, as long as the field trip does not conflict with the transportation needs of the K-12 program; and, participation in local disaster plans.

**Out of District Transportation Considerations** The district is not required to provide transportation for any student living outside of the district boundary. The district may elect to permit out of district students to ride if the following conditions are met:

- Adding the student does not disrupt, expand, and extend existing school bus routes. Students will have to travel to an approved existing stop within district boundaries.
- Adding the student does not cause the bus to be over capacity and thus not permitting a resident student to ride the bus.
- Adding the student does not cause discipline issues or disruptions to the bus driver.
- The length from the students residence to the bus stop does not exceed one (1) mile and does not cross over any major highways or other hazardous conditions.
- In some instances, parents may be required to be present at the bus stop in order for a bus driver to release the student from the bus.

For each new Out of District Transportation request, The Transportation Department will review the above conditions and notify families of the decision that was made. A new request must be made for transportation each year from Out of District families, as the number of in-district students being transported on any given bus can change from year to year.

**Use of Vans for School-Sponsored Functions** Vans and other light duty vehicles may be acquired by the district to further enhance the educational experience. Any employee or volunteer wishing to drive a ZPS van or other vehicle must submit a Driver Authorization Form to the Transportation Department. Furthermore, they must:

- Consent to a Driver's License Record Check annually.
- Not have more than six (6) points on their driving record.
- Not have any alcohol or controlled substance driving conviction on their driving record.
- Submit to non-DOT post-accident drug/alcohol testing anytime they are involved in any motor vehicle accident regardless of fault.
- Be 21 years of age or older.

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

**Travel Reimbursement** District employees will be reimbursed for reasonable expenses incurred for pre-approved District-related travel, but will not be reimbursed for alcoholic beverages. District employees will be reimbursed at the then prevailing IRS rate for out-of-District mileage incurred on pre-approved District-related travel. Specific policy can be found [here](#).

## **6011-AR Surveillance of and in School District Buildings and Facilities**

The Superintendent may promote school safety by employing surveillance of and in School District Buildings, Facilities, School Buses, and District Vehicles. In the event of routine and on-going recorded electronic surveillance of the general public or students, the Superintendent will post conspicuous notice that surveillance may be taking place. Recorded electronic surveillance will not take place inside bathrooms, locker rooms, or other places where recorded electronic surveillance would compromise reasonable standards of modesty. To the extent that such surveillance creates a record(s) subject to FOIA or FERPA, the School District will respond to such requests in a manner consistent with applicable law.

## **6012-AR Stormwater Discharge**

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

The 7000 series of Board Policies requires or permits the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on September 15, 2023 and posted them on the School District's website. All School District personnel and Students are required to follow these administrative regulations.

The Superintendent designates the District's Director of Communications and Marketing to review the 7000 series of Board Policies and these regulations at least annually. The Director of Communications and Marketing is also expected to recommend to the Superintendent legally compliant revisions and additions to the 7000 series of Board Policies and these administrative regulations.

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

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

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

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

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

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

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



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

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

**Allowable Fees** [FOIA](#) allows the District to charge the following fees incurred for processing and responding to FOIA requests, as stated below.

### **Labor Costs.**

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

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

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

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

### **Reproduction Costs.**

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

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

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

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

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

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

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

**Good-Faith Deposit.** The District may require a good-faith deposit from a requestor before providing public records if the total allowable fees exceed \$50.00 and the District provides the requestor with an estimate of total allowable fees using the Itemization of Allowable Fees and Costs form. The good-faith deposit may not exceed 50% of the total allowable fees and costs. The District's request for a good-faith deposit will include a reasonable and best efforts estimate of the time frame within which the District will provide public records after receiving the good-faith deposit, along with notice that the good-faith deposit is due within 48 days of when the request was sent or else the request will be considered abandoned. The School District is not required to fulfill abandoned requests. Requests are not considered abandoned if the requestor has filed an appeal of the good-faith deposit request within the 48-day timeframe. The District may charge an increased good-faith deposit of up to 100% of the estimated fee before it begins a full public record search for a person who has previously failed to pay allowable fees in full if: the final allowable fees were not more than 105% of the total estimated fees; the public records provided contained the information sought in the prior request and are still in the District's possession; the public records were provided within the School District's reasonable best efforts estimate for the prior request; ninety (90) days have passed since the District notified the requestor the public records were available for pickup or mailing; the requestor is not able to show proof of prior payment; and, the School District provides a completed Detailed Itemization of Allowable FOIA Fees form that is the basis of the increased good-faith deposit. However, the District may not insist on an increased good-faith deposit if: the requestor shows proof of prior payment; the District is paid in full for the prior request; or, three hundred and sixty-five (365) days have passed since the requestor made the request for which full payment was not remitted.

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

**Appeals** The requestor may appeal the denial of all or part of a request in two ways: submit an appeal to the District's Superintendent or file a civil action in the circuit court where the District is located. The

requestor may also appeal an allowable fee calculation that violates the [Act](#) or this administrative regulation.

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

**Civil Action.** The requestor may, in addition to appealing to the Superintendent, file a civil action in the circuit court where the District is located. The civil action may be based on the District's failure to timely provide public records or the District's calculation of allowable fees. If the requestor prevails in a case concerning the timely provision of public records, he or she is entitled to reasonable attorneys' fees, costs, and disbursements. If the requestor or the District prevails in part the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. Additionally, if the court determines the District has arbitrarily and capriciously violated the [Act](#) by refusing or delaying the request, the court will order the District to pay a fine of \$1,000.00, which will be deposited in the Department of Treasury's general fund, and, in addition to any actual or compensatory damages, punitive damages to the requestor in the amount of \$1,000.00.

If the requestor prevails in a case concerning the District's calculation of allowable fees by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award the requestor all or an appropriate portion of his or her attorneys' fees, costs, and disbursements. If the court determines the District has arbitrarily and capriciously violated the Act by charging an excessive fee, the court will order the District to pay a fine of \$500.00, which will be deposited in the Department of Treasury's general fund, and, in addition to any actual or compensatory damages, punitive damages to the requestor in the amount of \$500.00. Separately, if the court determines the District willfully and intentionally failed to comply with the [Act](#) or has otherwise acted in bad faith, the court will order the District to pay a civil fine of not less than \$2,500.00 and not more than \$7,500.00 per occurrence, which will be deposited in the Department of Treasury's general fund.

A civil action based on a denial of public records must be filed within one hundred and eighty (180) days after the District's final determination. A civil action based on the District's calculation of allowable fees must be filed within forty-five (45) days of receiving the completed Detailed Itemization of Allowable FOIA Fees form or within forty-five (45) days of the Superintendent's decision concerning an appeal. If the requestor files a civil action based on the District's calculation of allowable fees, the District is not required to continue processing the request until the court resolves the fee dispute.

## **7002-AR Community Use of School District Facilities**

**Generally** The School District's buildings, facilities, and property were acquired to support its educational programs and activities. To the extent individual groups or organizations want to use those buildings, facilities, or property for a purpose that is consistent with the School District's mission, educational programs, and activities, the School District, in its discretion, may approve that use. The Superintendent may develop and implement additional administrative procedures permitting the use of District buildings, facilities, and property.

**Agreements** The individual, group, or organization requesting use of a School District building, facility, or property will complete and execute an Agreement for the Use of School District Buildings and Facilities, or its equivalent. That Agreement will address, at a minimum: the fee the School District will receive, which will be at least sufficient to cover all marginal costs associated with the use; the liability or other insurance the user will carry and the fact the School District will be named as an additional insured; a release of the

School District (including School District board members, agents, employees, and volunteers) for any injuries or damages that occur during the use; and, an agreement to indemnify and hold harmless the School District against such injuries, damages, and actual attorneys' fees and costs arising or relating to the use or any related litigation. The Superintendent may waive the requirement for such an agreement for School District-related users.

**Fees** The School District facilities currently in use for the K-12 instructional program are made available to responsible groups and organizations at the Superintendent's discretion. Groups and organizations requesting the use of District facilities should contact the Facilities Department here: <https://www.zps.org/about-us/facilities--grounds/>

**Insurance** The Board of Education requires all users of School District facilities to carry comprehensive general liability insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. Furthermore, the Board of Education, its individual board members, officers, and agents, and the School District, as well as its employees and volunteers, shall be named as additional insureds.

### **7003-AR Gifts, Bequests, and Donations**

The School District appreciates the generosity of donors who wish to recognize the School District with monetary donations or gifts of property. In order to assure that the School District does not incur a cost as a result of the gift that approaches or exceeds its value, all gifts, bequests, and donations will be submitted to the Superintendent of Schools for approval. As reflected in Board of Education Policy 7003, the Superintendent, or his/her designee, will review an offered gift in excess of \$3000 to assure that the gift: is free of any restriction that is contrary to law or inconsistent with Board policy; is, in the opinion of the Superintendent, fitting and appropriate for District use; does not require excessive installation, alteration or maintenance costs, or otherwise require a large commitment of District resources; and, contains no commercial advertising.

### **7004-AR Distribution of Information / Materials**

The School District periodically receives requests from various organizations to distribute informational or promotional materials on District property. In order to minimize intrusions on the time of students and employees that result from such distribution, the following will apply:

**Review Process** Organizations must submit the following information for review and approval prior to distribution: a final pdf version of the flyer; and, a cover sheet with the following information: name and phone number of contact person; the method by which the organization wishes to be contacted following review; the target audience to receive the materials (i.e. students, parents, staff, or some combination thereof); and, the name of the school buildings where it is contemplated that the materials will be distributed. The Superintendent will review and approve materials for which a request for distribution has been received before distribution occurs.

**Content** In order to be accepted for distribution, materials may not: be obscene, indecent, or vulgar; advocate illegal activities, violence, or hate; contain libelous or defamatory information; discriminate or contain bias toward any individual's race, gender, sexual orientation, or religious or ethnic identity; be likely to cause substantial disruption of or material interference with discipline or the education of students in the school in which the material is posted or distributed; promote, favor, or oppose a candidate for elected office or a ballot measure; or, advocate religion or a particular faith or religious viewpoint.

**Disclaimer** All materials that will be distributed on District property must include the following statement:

This event/activity/offer is not sponsored by the School District. The School District assumes no responsibility for the conduct or safety of persons attending or participating in the event/activity/offer.

## 7005-AR

## Public Complaints

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

**Complaint Procedure** A complaint will: be in writing; be signed by the complaining parties; set forth the specific acts, conditions, or circumstances of concern; identify the relief being requested that is within the authority of the District to grant; and, be submitted to the person in charge at the closest point of origin (typically the building principal)

The building administrator will offer to meet with the complainant to discuss the complaint. Following the meeting, if there has not been a satisfactory resolution, the building administrator will, within five school days after receipt of the complaint, send the written complaint to the Superintendent, together with the outcome at the building level.

The Superintendent will designate a central office administrator to conduct or coordinate an investigation of the complaint and reach a decision within fifteen (15) school days after receipt of the complaint. The decision of the Superintendent's designee shall be communicated in writing to the parties involved. Should a complaint be submitted with less than fifteen (15) school days remaining within the school year, a reasonable extension of this timeline may be taken, as deemed necessary by the person conducting the investigation.

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

The parties involved in the complaint may request to meet with the Superintendent within five (5) school days of referring the complaint to the Superintendent. Any such meeting must occur fifteen (15) school days after the Superintendent receives the designee's decision.

The Superintendent will make a decision and notify the citizen, in writing, within: fifteen (15) school days after: receiving the complaint and the designee's decision, if the parties involved in the complaint have not requested a meeting with the Superintendent; or, within ten (10) school days of meeting with the parties involved in the complaint. The response of the Superintendent will: deny the allegations contained in the complaint and/or identify corrective measures deemed necessary to resolve the complaint.

## 7007-AR

## District Support Organizations

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

Except for student-initiated organizations, each district support organization will submit a copy of its bylaws and/or Articles of Incorporation and proof of 501(c)(3) status to the appropriate building principal for review and approval. Each organization will also notify the building principal of any upcoming district support events. Each organization is required to timely inform the building principal in the event the Internal Revenue Service revokes the organization's 501(c)(3) status.

## 7008-AR

## Advertising

**Approval** In accordance with relevant laws, the Superintendent reserves the right to approve or deny any and all requests for advertising on a case-by-case basis, including whether the advertisement is consistent with the educational objectives of the School District. The Superintendent may request that samples of the proposed advertisement be made available for inspection.

**Content** Advertisements may not: be obscene, indecent, or vulgar; advocate illegal activities or violence; contain libelous or defamatory information; illegally discriminate on the basis of race, color, national origin, religion, sex, language, disability, or any other basis prohibited by law; be likely to cause substantial disruption of or material interference with discipline or the education of students in the school or facility in which the advertisement is posted or distributed; promote, favor, or oppose a candidate for elected office or a ballot measure; or advocate religion or a particular faith or religious viewpoint.

**Manner of Advertising** Advertising on School District premises or by School District students or personnel is prohibited unless, in the sole judgment of the Superintendent, the advertisement: benefits the School District, school, student population, or specific student activity; is consistent with the School District's Wellness policy; and/or is consistent with an exclusive agreement entered into between the School District and the advertiser.

## 7010-AR

## Media Utilization

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



The 8000 series of Board Policies requires or permits the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on September 15, 2023 and posted them on the District's website (ZPS.org). All School District personnel and Students are required to follow these administrative regulations.

The Superintendent designates the District's Assistant Superintendent of Administrative Services to review the 8000 series of Board Policies and these regulations at least annually. The Assistant Superintendent of Administrative Services is also expected to recommend to the Superintendent legally compliant revisions and additions to the 8000 series of Board Policies and these administrative regulations.

**8001-AR****Acceptable Use**

The School District encourages and promotes the use of technology in our schools and for school operations. To ensure students, staff and parents take full advantage of the technologies available, but in compliance with applicable law, all uses of technology in the School District must have proper authorization and adhere to School District policies. The use of technology is a privilege, not a right, and must be in support of and consistent with the purposes and stated goals of the School District. There are no inherent warranties for technological resources that the School District is providing. The School District will monitor all network activity by, for example, ensuring the presence of a teacher or other appropriate School District staff personnel when students are accessing the internet at school, installing filtering or blocking software on School District computers to restrict unauthorized websites, and monitoring access logs to keep track of websites visited by students in order to restrict access to newly-created or previously unknown websites harmful to minors.

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

**Technology Users Will:**

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

**Technology Users Will Not:**

- Intentionally tamper with computer or network components in a way that makes them temporarily or permanently inoperable.

- Access, vandalize, or modify anyone else’s account, data, files, and/or passwords without authorization of the network administrator or building principal.
- Use School District technology for commercial or “for profit” purposes.
- Use School District technology to impersonate another, or to obtain illegal copies of software or audio, text, or video materials for which the School District does not have ownership.
- Use School District technology to send or intentionally receive messages that are inflammatory, harassing in nature, sexist, racist, or otherwise inappropriate.
- Disclose confidential information, passwords, or access codes.
- Post personal information (such as address or phone number), credit card numbers, bank account numbers, or any other financial information.
- Use School District technology to distribute and/or access materials that:
  1. Violate [FERPA](#), or any other law which affords students certain rights with respect to their education records;
  2. Jeopardize the health and safety of students;
  3. Are obscene, pornographic, or libelous;
  4. Cause disruption of school activities;
  5. Plagiarize the work of others;
  6. Are commercial advertisements; or
  7. Have not been approved by the building administrator, network administrator, or web master.

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

**Internet Safety** The School District will implement software and/or other safeguards on School District-owned technology which protects adults and students from accessing images or other online depictions that are obscene, contain child pornography, and, with respect to students, are harmful to minors.

The School District will educate students about appropriate online behavior, including: interacting with other individuals on social networking websites and chat rooms, and cyberbullying awareness and response, in accordance with Board policy 2006 and any implementing regulations.

## 8002-AR Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504)

The [ADA](#) and [Section 504](#) prohibit illegal discrimination on the basis of disability. ADA and Section 504 also require the School District to provide a free appropriate public education (FAPE) to eligible students. The manner in which the School District provides FAPE to eligible students and related issues are described in the School District’s [Section 504 Manual](#). This regulation sets forth a procedure for addressing complaints of illegal discrimination arising under the ADA and Section 504.

### **Procedure**



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

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

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

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

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

***Prohibition Against Retaliation*** The District hereby provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Complaint Procedure.

## 8003-AR

## Web Accessibility

With regard to the District website and any District web presence which is developed by, maintained by, or offered through third party vendors and open sources, the District is committed to compliance with [Title II of the Americans with Disabilities Act \(ADA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#) so that students, parents, employees, and members of the public are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use. The District further seeks to ensure that those individuals with disabilities are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online. All existing, new, or updated web content produced by the District will conform to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents, as soon as practicable.

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

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

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

**District Training** The District will provide training for any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with online content as needed. The training will be facilitated, in whole or in part, by an individual with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the District. The training will include training on the Web Accessibility Policy, the Administrative Regulation, and staff roles and responsibilities to ensure that web design, documents, and multimedia content are accessible. The District will provide periodic updates to staff, as appropriate, should technology standards change in a readily discernable way. The District will also ensure that new staff are timely provided training consistent with the above expectations. With regard to staff who have already been fully trained at least once on the Web Accessibility Policy, the annual-training requirement may be satisfied by disseminating notice that includes the Web Accessibility Policy (e.g., via e-mail with a link to the policy), highlights any Policy updates, and provides the name and contact information of the Web Accessibility Coordinator to serve as a resource for staff with questions about the accessibility of online content.

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

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

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

**Formal Discrimination Complaint** A student, parent, or member of the public who wishes to submit a formal complaint regarding a violation of [Title II of the Americans with Disabilities Act \(ADA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#) related to the accessibility of any District web presence that is developed by, maintained by, or offered through the District, third party vendors, and/or open sources, may utilize the District's established complaint procedures are contained in administrative regulation AR8007.

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

## 8005-AR

## Communicable Diseases

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

**Communicable Diseases Known Not to Be Spread by Casual Contact** Communicable diseases that are known not to be spread by casual contact, within the meaning of this regulation include Hepatitis B, HIV infections, ARC (AIDS Related Complex), AIDS, and other diseases that are transmittable by blood, other body fluids, and other body products, which present potentially serious health problems for those who contract the disease. The following procedure is intended to assure that both the rights of the individual and the school community at large are protected, and that each case will be determined on an individual basis.

**HIV, ARC, or AIDS** When a District employee reasonably suspects that a student or staff member is infected with HIV, ARC, or AIDS, he/she must notify the Ottawa County Health Department, if such action is reasonably thought necessary to: protect the health of the student or staff member; prevent further transmission of the disease; or, diagnose and care for the student or staff member. The District employee shall not provide the Ottawa County Health Department with the name of the student or staff member unless such information is determined by the employee making the disclosure to be reasonably necessary to accomplish the above-mentioned purposes.

Request the permission of the affected student's parent or guardian, or the staff member, to inform the Superintendent and other necessary persons of the suspected illness. If such consent cannot be obtained, the employee shall inform the Superintendent of the matter in such a way that the identity of the affected person is not discernible. The Superintendent may then seek a court order permitting the Superintendent to obtain the information and disclose it to Board of Education members and other necessary persons.

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

- An official representative of the District, designated by the Superintendent, who will chair the Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

If the District employee determines that disclosure of such information is reasonably necessary to: (1) protect the health of the student or staff member; (2) prevent further transmission of the disease; or, (3) diagnose and care for the student or staff member, the District employee may advise his/her supervisor that a student or staff member may have a serious communicable disease known not to be spread by casual contact. The identity of the student or staff member *SHALL NOT BE* disclosed unless written authorization is obtained from the affected student's parent or the staff member, or is otherwise necessary to satisfy the requirements of this section. The supervisor shall immediately inform the Superintendent or his/her designee.

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

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

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

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

**Multiple Copies for Classroom Use** Multiple copies (not to exceed one copy per student in the class) may be made by or for the teacher for classroom use as follows:

- A complete poem if less than 250 words and if printed on not more than two pages;
- An excerpt from a longer poem, containing not more than 250 words;
- A complete article, story or essay of less than 2500 words;
- An excerpt from any prose work of not more than 1000 words or 10% of the work, whichever is less.

*(Each of the numerical limits, above, may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)*

- One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
- Certain "special works" in poetry, prose, or in "poetic prose" which may combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Such "special works" may not be reproduced in their entirety but an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

All copies must include a notice of copyright.

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

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

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

The Board of Education is committed to maintaining an educational and work environment that is free from discrimination and harassment based on race, color, national origin, sex, disability, religion, genetic information, marital status or any other legally protected characteristic. The Board has therefore adopted anti-discrimination and anti-harassment policies that prohibit discrimination and harassment by Board members, School District employees, students, contractors, volunteers and others connected with the School District. A student, employee, or any other person who believes that a student or employee has been subjected to discrimination or harassment may seek resolution of the matter through the procedures that follow. Complaints of sexual harassment within any educational program or activity of the School District will be investigated and resolved under 8007.3-AR, as required by Title IX and its implementing regulations ("Title IX sexual harassment"). All other complaints of discrimination, harassment or retaliation, other than Title IX sexual harassment, will be investigated and resolved under 8007.1-AR or 8007.2-AR.

**Compliance Officer and Title IX Coordinator** The Assistant Superintendent of Administrative Services (Jon Voss), whose telephone number is 616-748-3015 and whose email address is [jvoss@zps.org](mailto:jvoss@zps.org), is the School District's Title IX Coordinator for purposes of reports made under 8007.3-AR and the School District's Compliance Officer when addressing other reports made under this Administrative Regulation.

**Days** As used in 8007.1-AR through 8007.3-AR, the word "days" means school days during the school year when school is in session and business days during the summer break.

### 8007.1-AR Discrimination and Harassment (Non-Title IX) – Students

**Generally** Any person who believes that a student has been subjected to discrimination or harassment (or retaliated against for opposing discrimination or harassment) should report it to the School District's Compliance Officer. That report will be resolved through the informal or formal procedures described in this Administrative Regulation.

#### **Definitions for 8007.1-AR**

**"Complainant"** means the student who is reported to have been discriminated against or harassed based on a legally protected characteristic. Complaints of Title IX sexual harassment will be addressed under 8007.3-AR.

**"Respondent"** means the person who is reported to have discriminated against or harassed Complainant.

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

**"Discrimination"** means unequal treatment based, in whole or part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, disability, or other legally protected characteristic, which adversely affects Complainant's educational opportunities or participation in the School District's educational program or activities.

**"Harassment"** means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, disability or other legally protected characteristic, which is sufficiently severe and pervasive that it:

- Affects Complainant's ability to benefit from the School District's educational programs or activities;
- Creates an intimidating, threatening, or hostile educational environment;



- Has the effect of substantially or unreasonably interfering with Complainant's academic performance; or,
- Otherwise adversely affects Complainant's educational opportunities.

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

**Step 1.** A student, or any other person, may report discrimination or harassment to any School District employee whose primary responsibility includes student supervision or discipline, including a teacher, counselor, building administrator or central-office administrator, including the Compliance Officer.

If not reported directly to the Compliance Officer, all informal complaints received by School District employees must be reported to the Compliance Officer within two (2) days. The Compliance Officer will either facilitate an informal resolution, as described below, or appoint another person to facilitate an informal resolution.

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

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

**Step 3.** The Compliance Officer will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If Complainant is dissatisfied with the process at any time prior to agreeing on a mutual resolution, the Complainant may file a formal complaint.

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

### **Formal Complaint Resolution Procedure**

**Step 1.** A student, or any other person, may file a formal complaint of discrimination or harassment with any building-level or central-office administrator, including the Compliance Officer. If not reported directly to the Compliance Officer, all such complaints must be forwarded to the Compliance Officer within two (2) days.

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

- The name of Complainant and, if different, the name of the person reporting the allegation;
- The allegation, including a description of relevant incident(s), date(s), and time(s) (if known);



- The name(s) of all persons alleged to have committed discrimination or harassment, if known, or a description/identifying information if the name is not known; and,
- The name(s) or description/identifying information of all known witnesses.

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

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

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

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

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within thirty (30) days of receiving the formal complaint. The investigation will include:

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

**Step 3.** At the conclusion of the investigation, the Compliance Officer and/or Investigator will prepare and deliver a written report to the Superintendent, summarizing the information gathered during the investigation and, if applicable, the date of any report to the police. The report will also provide recommendations based on the evidence, including whether the complaint should be substantiated based on a preponderance of the evidence ("more likely than not") standard. The recommendations should consider the totality of the circumstances, including the ages and maturity levels of those involved. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent the recurrence of discrimination or harassment and should consider the factors set forth in Section 1310d of the Revised School Code. Disciplinary recommendations may range from counseling to permanent expulsion, in the case of a student; counseling to discharge, in the case of an employee; and recommendation for censure or a complaint to the Governor, in the case of a Board member. The report will be provided to the

Superintendent within sixty (60) days after the formal complaint was made, unless there is good reason for the process to take longer.

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

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

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

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

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

**Retaliation** Retaliation against a Complainant, a person who filed a complaint alleging discrimination or harassment, or a person who participates in an investigation under this Administrative Regulation, is strictly prohibited. Upon a finding that a person has engaged in retaliation, appropriate disciplinary action will be taken.

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

## **8007.2-AR Discrimination and Harassment (Non-Title IX) – Employees**

**Generally** Any employee who believes that they have been subjected to discrimination or harassment not covered by Title IX (or retaliated against for opposing discrimination or harassment) should notify the School District's Compliance Officer and seek resolution of the matter through the informal or formal procedures described below.

### **Definitions for 8007.2-AR**

**“Complainant”** means the employee who reported that they have been subjected to discrimination or harassment. Complaints of Title IX will be addressed under 8007.3-AR.

**“Respondent”** means the person who was reported to have discriminated against or harassed Complainant.

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

**“Discrimination”** means taking an adverse employment action against an employee based, in whole or in part, on the employee’s race, color, national origin, religion, sex, marital status, genetic information, age, height, weight, disability or other legally protected characteristic.

**“Harassment”** means unwelcome physical acts, attempted acts, statements, gestures, jokes, written or graphic material, or other conduct or communications that are both:

- Based on race, color, national origin, religion, sex, marital status, genetic information, age, height, weight, disability or other legally protected characteristics; and
- Sufficiently severe or pervasive to create a hostile working environment.

Harassment may also include sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, where submission to this conduct becomes a condition of any person’s continued employment or the basis for employment decisions. To the extent sexual harassment occurs within any educational program or activity of the School District and is covered by Title IX, the matter will be resolved through 8007.3-AR.

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

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

If not made to the Compliance Officer, all informal complaints must be reported to the Compliance Officer within two (2) days. The Compliance Officer will facilitate an informal resolution, as described below, or appoint another individual to facilitate an informal resolution.

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

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

**Step 3.** The Compliance Officer will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If Complainant is dissatisfied with the informal complaint resolution process at any point prior to agreeing to a mutual resolution, the Complainant may file a formal complaint.

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

### **Formal Complaint Resolution Procedure**

**Step 1.** Complainant may file a formal complaint with: the building administrator of the building to which they are assigned; the Superintendent or other central-office administrator; or the Compliance Officer. If not filed directly to the Compliance Officer, the person with whom a complaint is filed must report it to the Compliance Officer within two (2) days.

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

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

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

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

NOTE: Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken during the investigation to protect Complainant and Respondent from discrimination or harassment, including, but not limited to, a change of work assignment or schedule for Complainant or Respondent. In making such a determination, the Investigator will consult the parties to assess their reaction to the proposed action. If Complainant or Respondent are unwilling to consent to the proposed change, the Compliance Officer may nevertheless, after consulting with the Superintendent, take whatever actions deemed appropriate for the protection of Complainant, Respondent, and the integrity of the investigation.

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

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within thirty (30) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;
- Interviews with any other witnesses;

- Relevant documents and other information presented by Complainant, Respondent, or any other witnesses.

**Step 3.** At the conclusion of the investigation, the Compliance Officer and/or Investigator will prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and, if applicable, the date any incident was reported to the police. The report will provide recommendations, including whether the complaint should be substantiated based on a preponderance of the evidence (“more likely than not”) standard. The recommendations should consider the totality of the circumstances. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent recurrence of illegal discrimination or harassment. Disciplinary recommendations may range from: counseling to discharge, in the case of an employee; and censure to a complaint to the Governor, in the case of a Board member. The report will be provided to the Superintendent within sixty (60) days after the formal complaint was made, unless there is good reason for the process to take longer.

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

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

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

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

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

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

or

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

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

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

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

## **8007.3-AR Sexual Harassment Under Title IX Employees and Students**

**Generally** This Administrative Regulation sets forth the procedure the School District follows to investigate and resolve complaints of sexual harassment made against School District employees or students within any education program or activity of the School District, as required by Title IX. Administrative Regulations 8007.1-AR and 8007.2-AR apply to discrimination and harassment on other bases.

The School District's Title IX Coordinator is responsible for implementing 8007.3-AR. The Title IX Coordinator will ensure his/her contact information is posted on the School District's website, included in the School District's annual notifications document, and published in every handbook and catalogue distributed to parents and students.

### **Definitions for 8007.3-AR**

**"Complainant"** means an employee or student who is reported to have experienced conduct that could constitute sexual harassment under Title IX.

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

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

**"Sexual Harassment"** means, with respect to the School District's programs and services:

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

**Duty to Respond to Known or Reported Sexual Harassment** The School District has a duty to respond to allegations of sexual harassment any time a School District employee has notice of sexual harassment or receives a report of alleged sexual harassment. All School District employees are required to promptly report all incidents and/or allegations of sexual harassment to the Title IX Coordinator.

Absent extenuating circumstances, within two (2) days, the Title IX Coordinator will contact Complainant (and/or Complainant's parent/guardian(s), as appropriate) to discuss how to resolve their concerns, including the option and process for filing a formal complaint. If, as an initial matter, it is clear that the reported sexual harassment is not covered by Title IX because (1) the allegations, even if true, do not rise to the level of sexual harassment; (2) the alleged sexual harassment occurred outside of the School District's program or activities; or (3) the alleged sexual harassment occurred outside of the United States, the Title IX Coordinator will explain how that could impact disposition of a formal complaint as well as how other School District policies, administrative guidelines or codes of conduct may apply.

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

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

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

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

*Generally.* The Title IX Coordinator will ensure that, at every step of the Grievance Procedure, the parties are treated equitably; all information and evidence is evaluated objectively; and, there are no conflicts of interest affecting the Title IX Coordinator or any informal resolution facilitator, Investigator, Decision-Maker, or any individual resolving an appeal.

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

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

**Informal Resolution** At any point between the filing of the formal complaint and the decision-maker reaching a determination of responsibility, the parties may voluntarily agree to participate in an informal resolution process. The informal resolution process must be completely voluntary, and may not be initiated until:

- the parties have been provided notice of their rights by delivery of the applicable anti-harassment policy and 8007.3-AR;
- the parties have been informed of the consequences of informal resolution, including that it may preclude the resumption of a formal complaint investigation arising from the same allegations and that records may be maintained and shared; and
- the parties have voluntarily consented to informal resolution, in writing.

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

Within five (5) days after the Investigator provides Respondent with notice of the formal complaint, Respondent may file a written response. The Investigator will provide a copy of any written response to the Complainant. Regardless of whether Respondent files a written response, the Investigator will undertake an investigation that will include, but not be limited to:

- interviewing Complainant and Respondent, unless they refuse to be interviewed or fail to timely respond to the Investigator's interview request;
- interviewing relevant witnesses and other potentially relevant witnesses who Complainant or Respondent request, unless the witness refuses to be interviewed or fails to timely respond to the Investigator's interview request;
- obtaining, to the extent they are available, all relevant documents, data, and other items identified by Claimant, Respondent, and witnesses;
- preparing an investigative report that fairly summarizes the interviews and relevant evidence; and,
- providing the investigative report to the parties simultaneously.

Neither Complainant nor Respondent are required to participate in the investigation process, including interviews. The Investigator will not draw any negative inferences based solely on a Complainant's or Respondent's lack of participation, but participation is encouraged so that the Investigator has the benefit of hearing the perspective of all parties. The School District will not interfere with the parties' ability to discuss the allegations or gather and present evidence, except to the extent a no-contact or similar order has been issued by the Title IX Coordinator.



Prior to finalizing the investigative report, the Title IX Coordinator or Investigator will send each party and their advisor(s) a copy of all of the evidence directly related to the allegations of sexual harassment in the formal complaint. The parties will have up to ten (10) days to review the evidence and submit a written response, which the Investigator will consider prior to completing the investigation report. Absent good cause, the investigation report will be completed with sixty (60) days.

The Title IX Coordinator will, upon completing or receiving the Investigator's Report, simultaneously send a copy to Complainant, Respondent and their advisors, if any. The Title IX Coordinator will also notify the parties of their right, within ten (10) days, to: submit relevant written questions to parties and witnesses, receive answers, and submit limited follow-up questions; and file a written response to the Investigator's Report. Any questions or evidence about Complainant's sexual predisposition or prior sexual behavior are not relevant, unless they are offered to prove that someone other than Respondent committed the conduct alleged by Complainant; or they concern specific incidents of Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent. If the Investigator declines to submit a question, s/he will provide a written explanation to the party who posed it.

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

**Decision.** The Title IX Coordinator will appoint a Decision-Maker, who is not the Title IX Coordinator or Investigator. The Decision-Maker will objectively review the investigation report and relevant evidence gathered through the investigation process. Credibility determinations, if any, will not be based on an individual's status as Complainant, Respondent, or witness. The Decision-Maker will not hold Respondent responsible unless a preponderance of the evidence establishes Respondent sexually harassed Complainant. Absent extenuating circumstances, the Decision-Maker will issue a decision within ten (10) days of receiving the investigation report and evidence and will provide the decision to Complainant and Respondent simultaneously. The decision will include: Complainant's allegations; procedural steps taken with respect to the allegations; findings of fact; the application of the applicable anti-harassment policy, this 8007.3-AR, and the School District's Student Code of Conduct to the facts; and a statement of all rationale for the result as to each allegation, including determinations of responsibility, disciplinary sanctions, whether Complainant will be provided remedies to restore or preserve equal access to the School District's education programs and activities, and the procedure and bases for appeal. Upon a finding of responsibility, sanctions for Respondent-students may range from administrative intervention to permanent expulsion. Sanctions for Respondent-employees may range from counseling to discharge. Sanctions for Respondent-Board members may range from censure to a petition to the Governor for removal from the Board of Education.

**Appeal.** Within five (5) days of the Decision-Maker sending the decision to the parties and any advisors, Complainant or Respondent may appeal the Decision-Maker's decision by filing an appeal with the Superintendent on one or more of the following bases:

- Procedural irregularity that affected the outcome;
- New evidence being discovered that was not reasonably available at the time of the determination or dismissal; or
- A conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent by the Investigator, Title IX Coordinator or Decision-Maker that affected the outcome of the grievance process.

The Superintendent will provide notice to the opposite party if an appeal is filed, including a copy of the appeal, and an opportunity to respond. The appeal must include all of the reasons the appealing party disagrees with the decision as it relates to the permissible bases for appeal. The Superintendent will

review the appeal, and after considering the appeal, the decision, and any other relevant evidence or information relevant to the appeal, may either: (1) affirm the decision, in whole or in part, or (2) reverse the decision, in whole or in part. The Superintendent may also remand the decision, in whole or in part, for additional investigation by the original or a different Investigator and/or further consideration by the original or a different Decision-Maker. Absent extenuating circumstances, the Superintendent will issue the appeal decision within ten (10) days of receiving the appeal or response, if any, and provide his/her decision to the parties simultaneously. The grievance process is complete and a final decision is reached when no timely appeal is taken or after the appeal process is completed.

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

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

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

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

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

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

or

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

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

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

## **8009-AR Digital Communications**

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

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

- Communication that violates Board Policy, such as: communication that discloses personally identifiable information about students (see Policy 2003); communication that violates Board Policy against illegal harassment (see Policy 8007); etc.
- Communication that is false or misleading.
- Communication that attributes the staff member's personal views to others, including the School District, school administration, or other staff members.
- Communication that defames or personally insults staff members or students, or otherwise undermines any staff member's ability to fulfill their responsibilities to the School District or its students.
- Communication that defames or personally insults Board members, parents or other community members.
- Communication stating or suggesting the desirability of confidentiality vis-à-vis students' parents or other staff members.
- Communication that has as its purpose or effect the development of a romantic or sexual relationship between a staff member and a student, or that reasonably may be interpreted as having that purpose.

The School District encourages staff to use School District equipment and sites for all digital communication with students. School staff may not directly communicate with students through personal social media and other similar platforms. Use of messaging apps, like Remind, which send general communications and alerts to parents and students are not prohibited.

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

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

- Communication that violates Board Policy, such as: communications that disclose personally identifiable information about students (see Policy 2003); communication that violates Board Policy against illegal harassment (see Policy 8007); etc.
- Communication that is false or misleading.
- Communication that attributes personal views to others, including the School District, school administration, or other staff members.
- Communication that defames or personally insults staff members or students, or otherwise undermines any staff member's ability to fulfill their responsibilities to the School District or its students.
- Communication that defames or personally insults Board members, parents, or community members and is not otherwise protected by law.

***Personal Digital Social Networking*** The School District does not have the inclination, resources, or ability to police the off-duty behavior of staff members. At the same time, staff must be cognizant of the fact they serve as role models for our students and, to the extent their personal social networking is "public" or includes members of the school community, such staff members may be subject to greater scrutiny. Furthermore, their communications and behavior may adversely impact their ability (or the ability of the School District or their colleagues) to carry out their responsibility of educating students in a safe and supportive educational environment. For these reasons, staff are reminded that off-duty digital communication may result in investigation, disciplinary sanctions, or discharge when those communications disrupt the educational environment or adversely affects or undermine the staff member's ability to perform their jobs.