



# **Hemlock Public School District**

## **BOARD OF EDUCATION BYLAWS AND POLICIES**



### **Miller Johnson School Policy Services**

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# TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>1</b>
0001 Name and Legal Status .....	1
0002 The Board of Education .....	1
0003 The Superintendent of Schools .....	1
<b>1000 BYLAWS .....</b>	<b>2</b>
1001 Organization and Functioning of the Board .....	2
Composition .....	2
Term of Office .....	2
Oath of Office .....	2
Vacancies .....	2
Duties and Responsibilities of Board Members .....	2
Role of Individual Board Members .....	2
Code of Ethics .....	2
Confidentiality .....	3
Conflict of Interest .....	3
New Members .....	3
Committees .....	3
Election of Officers of the Board .....	3
President .....	3
Vice-President .....	4
Treasurer .....	4
Secretary .....	4
Vacancies in Officer Positions .....	4
Removal from Office .....	4
Compensation .....	4
Reimbursement of Expenses .....	4
Indemnification .....	4
Discipline and Removal .....	4
Professional Services .....	5
1002 Meetings of the Board of Education .....	5
Michigan Open Meetings Act .....	5
Biannual Organizational Meeting .....	5
Regular Meetings .....	5
Special Meetings .....	5
Meeting Procedures .....	5
1003 Adoption or Amendment of Bylaws and Policies .....	6
<b>2000 STUDENTS .....</b>	<b>7</b>
2001 Admission and Enrollment .....	7
Resident Students .....	7
Nonresident Students .....	7
Shared Time Instruction .....	7
2002 Learning and Achievement .....	7
Assessments .....	7
Progress Reports and Grades .....	8
Placement .....	8
Graduation Requirements .....	8

2003	Education Records.....	8
	Generally .....	8
	Directory Information.....	8
	Student Surveys.....	9
2004	Extracurricular Activities .....	9
	Athletics.....	9
	School District Clubs and Other Activities .....	9
	Student-Initiated Clubs.....	9
2005	Communication .....	10
	Closed Forum .....	10
	Student Publications .....	10
	Distribution and Posting of Materials .....	10
2006	Behavior .....	11
	Attendance and Truancy .....	11
	Student Appearance.....	11
	Student Code of Conduct .....	11
	Other Student Behavior .....	12
	Student Bullying .....	12
	Verbal Assault.....	13
	Locker and Other Searches.....	14
	Personal Electronic Devices.....	14
	Food Deliveries.....	14
2007	Health and Safety.....	14
	Programs and Activities.....	14
	Health Concerns Raised by Parents or Guardians .....	14
	Immunization .....	14
	Medication .....	14
	Performance Enhancing Substances .....	14
	Seclusion and Restraint .....	15
	Wellness .....	15
	Epinephrine Auto-Injectors (Epi-Pens).....	15
	Cardiac Emergency Response Plan.....	15
	Physical Examinations and Screenings .....	15
<b>3000</b>	<b>CURRICULUM AND INSTRUCTION .....</b>	<b>16</b>
3001	Curriculum Development.....	16
3002	Parental Involvement.....	16
3003	Instruction .....	17
3004	Textbooks and Other Instructional Materials .....	17
3005	Selection of Media Center Materials .....	17
3006	Parental Objections.....	17
3007	School Year / School Calendar .....	17
3008	School Day.....	17
3009	Limited English Proficiency.....	18
<b>4000</b>	<b>PERSONNEL.....</b>	<b>19</b>
4001	Administrative Staff and Organization .....	19
	The Superintendent of Schools .....	19
	Other Administrators .....	19
4002	Employment Considerations .....	19
	Equal Employment Opportunity.....	19

	Discrimination and Harassment .....	19
	Nepotism .....	19
	Criminal Background Checks .....	20
4003	Conditions of Employment.....	20
	Alcohol and Drug Free Workplace.....	20
	Omnibus Transportation Employees.....	20
	Staffing, Layoff, and Recall of Teachers.....	21
	Assignment and Transfer.....	21
	HIPAA.....	21
	Leaves of Absence .....	21
	FMLA .....	21
	Paid Medical Leave.....	22
	Medical Examinations .....	22
4004	Evaluations, Discipline and Discharge, Resignations.....	22
	Performance Evaluations .....	22
	Performance Based Compensation .....	22
	Ineffective Teachers .....	22
	Discipline and Discharge.....	23
	Resignations .....	23
4005	Other Matters of Employment.....	23
	Gifts to School Personnel .....	23
	Whistleblower Protection Policy.....	23
	Outside Activities.....	23
	Political Activities .....	24
	Ownership of Works.....	24
	Professional Development Opportunities.....	24
	Professional Staff Contracts .....	24
	Illegal Conflicts of Interest.....	24
	Prohibition of Referral or Assistance.....	24
	Student Teaching and Internships.....	24
	Code of Ethics.....	24
<b>5000</b>	<b>BUSINESS .....</b>	<b>25</b>
5001	General.....	25
5002	Budget Planning and Adoption .....	25
5003	Purchasing.....	25
	Federal Procurement Standards .....	25
	Automated Clearing House (ACH) Arrangements and Electronic Transaction of Funds.....	25
	Federal Grants and Awards .....	25
5004	Surplus Property.....	26
	Land, Buildings, Facilities, and Real Estate .....	26
	Equipment, Supplies, and Other Personal Property.....	26
5005	Investments.....	26
5006	Risk Management.....	26
5007	Audits .....	26
5008	Meal Charge / Food Services.....	26
5009	Summer Property Tax Levy .....	27
5010	Fixed Assets.....	27
5011	Online Fundraising .....	27
5012	School District Credit Cards.....	28

<b>6000</b>	<b>FACILITIES AND OPERATIONS.....</b>	<b>29</b>
6001	Goal .....	29
6002	Safety and Security.....	29
6003	Firearms and Other Weapons .....	29
6004	School Crisis, Response, and Closure .....	29
6005	Hazardous Chemicals and Substances .....	29
6006	Tobacco-Free Environment .....	29
	Generally .....	29
	Electronic Cigarettes, Vaporizers, Etc.....	30
6007	Integrated Pest Management .....	30
6008	Transportation .....	30
	Student Transportation .....	30
	Business Transportation .....	30
	Private Transportation .....	30
6009	Naming School District Buildings and Facilities.....	30
6010	Recognitions, Remembrances, and Plaques .....	30
6011	Surveillance of and in School District Buildings and Facilities .....	31
6012	Stormwater Discharge.....	31
<b>7000</b>	<b>SCHOOL-COMMUNITY RELATIONS.....</b>	<b>32</b>
7001	Goal .....	32
	Public Information.....	32
7002	Community Use of School District Facilities.....	32
7003	Gifts, Bequests, and Donations .....	32
7004	Distribution of Information / Materials .....	32
7005	Public Complaints.....	33
7006	Solicitation.....	33
7007	District Support Organizations .....	33
7008	Advertising .....	33
7009	Volunteers.....	33
<b>8000</b>	<b>GENERAL POLICIES.....</b>	<b>34</b>
8001	Acceptable Use.....	34
8002	Americans with Disabilities Act (ADA) / Section 504 of the Rehabilitation Act of 1973 (Section 504) .....	34
8003	Web Accessibility .....	34
	Report of Accessibility Issues .....	35
	Discrimination Complaint.....	35
8004	Bloodborne Pathogens.....	35
8005	Communicable Diseases.....	35
8006	Copyrighted Works.....	35
8007	Discrimination and Harassment .....	35
8008	Social Security Numbers.....	36
8009	Digital Communications .....	36

## INTRODUCTION

### 0001 Name and Legal Status

The legal name of the School District is Hemlock Public School District. The School District is a general powers school district within the meaning of the [Michigan Revised School Code \(RSC\), MCL 380.1, et seq.](#)

### 0002 The Board of Education

The School District is governed by the Board of Education (the Board). A principal function of the Board is to adopt Bylaws and Policies that are reasonable and necessary to guide present and future Board and School District decision making and operations. The adoption, amendment, or repeal of Bylaws or Policies requires the vote of a majority of the Board members elected and serving.

Bylaws and Policies supplement the wide body of federal and state statutory and regulatory law that applies to public school districts in the State of Michigan. Federal and state law supersede these Bylaws and Policies, to the extent of any inconsistency. The Board has determined that it is not reasonable or necessary to attempt to replicate federal or Michigan statutes or regulations in these Bylaws and Policies.

### 0003 The Superintendent of Schools

The Board will employ a Superintendent of Schools in conformity with the [RSC](#) and other applicable laws. The Board is responsible for developing and enforcing Board policy. The Superintendent will serve as the School District's chief administrator and is, among other things, exclusively responsible for recommending all personnel decisions for Board consideration and for the development and implementation of Administrative Regulations that give operational effect to the Board Policies. Regulations are to be consistent with these Bylaws and Policies and, except as otherwise agreed by the Board, will not be effective for a period of one month from the date they are provided to the Board. The Board may, but is not required to, formally approve Administrative Regulations. A reference to the Superintendent in these Bylaws and Policies (and in any Administrative Regulations that may be promulgated) means the Superintendent or his/her designee, unless otherwise expressly stated.

The Board is represented in all collective bargaining agreement proceedings by a negotiating team. The Board approves all members of the team prior to the start of the negotiations. All agreements negotiated by the team are subject to ratification by the Board.

The Board has adopted these Bylaws to define the manner in which the Board meets, operates, and conducts its business. Bylaws are intended to provide for the Board's own internal governance, providing the basic framework for Board operations.

## 1001 Organization and Functioning of the Board

**Composition** The Board of Education is comprised of seven (7) members, elected or appointed in accordance with the [RSC](#) and the [Michigan Election Law](#).

**Term of Office** The term of office of each member is four (4) years.

**Oath of Office** Newly elected, reelected, and appointed members of the Board will take the required oath of office before being seated.

**Vacancies** In the event of a vacancy on the Board, the Board may appoint an eligible person to fill the position consistent with [Michigan law](#).

**Duties and Responsibilities of Board Members** Board members are elected to serve the interests of the School District and the entire school community. These interests may not be subordinated to any partisan principle, group, or interest. Board members are expected to be and remain informed about issues that may come before the Board for decision. Regular attendance at Board meetings is necessary to fulfill the obligations of a Board member.

**Role of Individual Board Members** The Board acts as a whole, and only at properly convened Board meetings. An individual Board member lacks independent authority and may not act for or on behalf of the Board unless he/she has been specifically delegated authority by the Board to act in a particular instance.

**Code of Ethics** Each Board member is expected to adhere to the following Code of Ethics:

As a member of the Board, I will promote the best interest of the School District as a whole and will adhere to the following ethical standards and principles:

1. I will represent all School District constituents honestly and equally and refuse to surrender my responsibilities to any partisan principal, group, or interest.
2. I will avoid any conflict of interest prohibited by law or appearance of such that could result from my position, and will not use my membership on the Board for personal gain, where contrary to the interests of the School District.
3. I will recognize that a Board member has no legal authority as an individual and that decisions can be made only by a majority vote at a public meeting of the Board.
4. I will take no private action that might compromise the Board or administration and will respect the confidentiality of privileged information.
5. I will abide by majority decisions of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.

6. I will encourage and respect the free expression of opinion by my fellow Board members and will participate in Board discussions in an open, honest, and respectful manner, honoring differences of opinion or perspective.
7. I will prepare for, attend, and actively participate in School Board meetings.
8. I will become sufficiently informed about and prepared to act on the specific issues before the Board.
9. I will respectfully listen to those who communicate with the Board, seeking to understand their views, while recognizing my responsibility to represent the interests of the entire school community.
10. I will strive for a positive working relationship with the Superintendent, respecting the Superintendent's authority to advise the Board, implement Board policy, and administer the School District.
11. I will model continuous learning and work to ensure good governance by taking advantage of Board member development opportunities, including those sponsored by state and national school board associations, and encourage my fellow Board members to do the same.
12. I will strive to keep the Board focused on its primary work of clarifying the School District purpose, direction and goals, and monitoring District performance.
13. In accordance with Board Policy 8009, I will maintain the upmost professionalism with respect to my use of social media.

**Confidentiality** Board members will receive information that is not available to the general public. This includes information that is received during a closed session of the Board. In order for the proper functioning of the Board, an individual Board member will not share confidential information without the prior authorization of the Board or as may be required by law.

**Conflict of Interest** If a relative (father, mother, son, daughter, sister, brother, or spouse; father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law; or step-father, step-mother, step-son, step-daughter; step- or half-sister; step- or half-brother; or any other persons who reside at the same location as a Board member) of a Board member is already an employee of the School District, such Board member shall abstain from voting on any matter affecting the employment status of the employee.

**New Members** Board service requires considerable preparation and study. New Board members are strongly encouraged to participate in orientation and educational activities to acquaint themselves with the duties and responsibilities of a Board member.

**Committees** The Board may create various committees to gather information for the Board. Committee members will be appointed by the Board President. A committee will not consist of more than three (3) Board members.

**Election of Officers of the Board** The President, Vice President, Treasurer, and Secretary of the Board will be elected at the Board's annual organizational meeting. The vote of a majority of the Board members elected and serving will be necessary for election to these offices. The elected officers will hold office for one year, and continue in office until their successors are chosen and take office. Board officers are eligible for reelection to their office.

**President** The President of the Board will preside at all meetings of the Board and conduct meetings in the manner prescribed by these Bylaws. The President will prepare the agenda for Board meetings in



consultation with the Superintendent and may perform such other tasks as are reasonably necessary to facilitate Board meetings.

The President, or his/her designee, functions as the official spokesperson for the Board. The President will be the official recipient of correspondence directed to the Board and will provide copies of School District related correspondence to all other Board members and, in his/her discretion, to the Superintendent. Board members who receive School District related correspondence that was not addressed to the President will promptly provide a copy to the President.

The President will sign all papers and documents required by law or otherwise authorized by action of the Board.

The President, on behalf of the Board, is authorized to consult with the Superintendent and/or School District legal counsel prior to presentation of an issue to the full Board.

**Vice-President** The Vice-President of the Board will have the powers and duties of the President during the temporary absence or disability of the President. The Vice-President will also have such other powers and duties as the Board may from time to time determine.

**Treasurer** The Treasurer of the Board will sign all School District documents required by law or otherwise authorized by action of the Board and perform other duties required by law and/or assigned by the Board.

**Secretary** The Secretary of the Board will be responsible for taking and keeping the Board minutes in conformity with applicable legal requirements and performing such other duties as the Board may from time to time determine.

**Vacancies in Officer Positions** In the event of a vacancy in a Board office, the Board will elect a successor to serve for the balance of the term.

**Removal from Office** The Board may remove a person from an elected Board office by a majority vote of the serving members. Removal from an office does not constitute removal from the Board.

**Compensation** Board members will be paid an annual stipend, as determined by the Board.

**Reimbursement of Expenses** In addition to the annual stipend, above, Board members will be reimbursed for actual and necessary expenses incurred in the discharge of their official duties, as well as for attending Board approved activities and functions. Board members are expected to exercise good judgment, and ensure that expenditures incurred are reasonable, necessary, and in the best interest of the School District. Board members will not be reimbursed for entertainment expenses or the purchase of alcoholic beverages.

**Indemnification** The School District will indemnify the Board and individual Board members to the extent permitted by law. The School District will also purchase and keep in effect insurance policies for the defense and indemnification of the Board and individual Board members.

**Discipline and Removal** By a majority vote, the Board may censure an individual Board member or members for violating federal or Michigan law, these Bylaws or Board policy, or otherwise acting in a manner inconsistent with the office of a Board member. By a majority vote, the Board may petition the Governor to remove an individual Board member or members from the Board for any reason permitted by law.

**Professional Services** The Board may select and appoint qualified individuals or firms to provide professional services to the District for legal, architectural, and auditing/accounting services. In making such selections, the Board will, minimally, consider certifications, licenses, training, and experience.

## 1002 Meetings of the Board of Education

**Michigan Open Meetings Act** [The Michigan Open Meetings Act \(OMA\), MCL 15.261 et seq.](#), governs many aspects of Board of Education meetings. These Bylaws supplement the requirements of the [OMA](#).

**Biannual Organizational Meeting** An organizational meeting will be held biannually during the months of January and/or July. The business of the meeting(s) will include:

- The election of Board officers;
- The establishment of a schedule of regular Board meetings for the year; and,
- Such other business as the Board may choose to address.

**Regular Meetings** Regular meetings of the Board will be held in accordance with the schedule established by the Board at the organizational meeting. The agenda for each regular meeting will be developed by the President of the Board in consultation with the Superintendent.

**Special Meetings** Special meetings of the Board may be called by the President or any three (3) Board members by providing not less than 18 hours' notice to all Board members. The notice to Board members and the public shall be consistent in manner and form with the requirements of the [OMA](#).

### **Meeting Procedures**

**Quorum.** Unless otherwise required or permitted by law, a majority of the serving members will constitute a quorum.

**Voting.** Unless otherwise required or permitted by law, the affirmative vote of a majority of the serving Board members is required to exercise the Board's authority.

**Remote Participation.** Board members, including those who are absent due to military duty, may participate in Board meetings remotely on the following conditions: at least a quorum of Board members are present for the Board meeting; any absent Board member discloses the reason for his or her absence and the location from which he or she is participating; the absent Board member may hear and be heard by other Board members and those in attendance at the Board meeting; the absent Board member notifies the Board President of his or her anticipated absence at least 3 business days before the meeting, so the Board President may make arrangements to notify the general public of the means by which it may contact the Board member prior to the meeting; and, the Board President takes steps to ensure the general public is aware of the manner any absent Board member voted on any and all matters brought before the Board for a vote, such as requiring roll call voting.

**Guidelines for Public Participation at Board Meetings.** The Board will establish guidelines concerning public participation at Board meetings. The guidelines will include, but not be limited to:

- Limiting the time any individual may address the Board to three (3) minutes.
- Requiring individuals who wish to address the Board to identify themselves and any organization they may represent.

- Advising the public that, generally, the Board and individual Board members will not directly respond to comments or questions that arise during the public participation portion of the meeting.
- Requiring individuals who wish to address the Board to direct their comments to the entire Board and not to individual Board members, the Superintendent, other School District employees, or members of the audience.
- Prohibiting behavior that is intemperate, abusive, defamatory, or discourteous, or that otherwise interferes with the orderly conduct and timely completion of the Board meeting.
- Excluding from the meeting an individual who engages in conduct that constitutes a breach of the peace.

**Rules of Order.** Disagreements concerning the rules of order for a meeting will be resolved according to the latest edition of *Robert's Rules of Order*. The Board may, however, suspend the Rules for a particular meeting or vote by action of a two-thirds (2/3) vote of those members present.

**Suspension or Waiver of the Bylaws.** Bylaws may be suspended by general consent or a two-thirds (2/3) vote of the Board members present at a properly constituted meeting. The suspension will apply to a particular instance and matter only and will not otherwise be applicable to subsequent actions or events.

## **1003 Adoption or Amendment of Bylaws and Policies**

The Board will adopt or amend Bylaws and Policies after readings at two separate Board meetings. The Board may, by a majority vote of members elected and serving, waive a first reading.

## 2001

## Admission and Enrollment

**Resident Students** Michigan law establishes which students have the right to attend school in the School District. The Superintendent will develop and implement regulations for the enrollment of resident students and their assignment to School District schools, facilities, and programs. The Superintendent may also develop and implement regulations for intra-district open enrollment.

**Nonresident Students** Nonresident students may be permitted to enroll in the School District, as described below.

**Schools of Choice.** The Board may choose to permit the enrollment of nonresident students pursuant to a schools of choice program. If such a program is adopted, the Superintendent will develop and implement regulations for the enrollment of nonresident schools of choice students. Students duly enrolled pursuant to a schools of choice program will, thereafter, be considered School District students for all curricular and extracurricular purposes.

**Tuition Students.** The Board may choose to permit the enrollment of nonresident students pursuant to a tuition program. If a tuition program is adopted, the Superintendent will develop and implement regulations for the enrollment of nonresident tuition students. Students duly enrolled through a tuition program will, thereafter, be considered School District students for all curricular and extracurricular purposes.

**Foreign Exchange Students.** The Superintendent may develop and implement regulations for the enrollment of foreign exchange students.

**Homeless Students.** The School District will comply with applicable legal requirements concerning the enrollment of students defined as homeless under federal law. The Superintendent will appoint a designee to serve as the District's liaison with homeless students and their parents or guardians. The liaison will coordinate and collaborate with state and local officials, as necessary. Students duly enrolled as homeless students will, thereafter, be considered School District students for all curricular and extracurricular purposes.

**Children of Non-resident Employees.** A child of a non-resident employee of the School District may be permitted to enroll in the School District without the payment of tuition, provided the enrolling student is enrolling in the K-12 program. Once enrolled, such a student will be permitted to continue to attend the School District through graduation or receipt of a certificate of completion. This policy does not, however, bar the long-term suspension or expulsion of a student for a violation of the Student Code of Conduct.

**Shared Time Instruction** Under certain circumstances, students enrolled in non-public schools located within the geographic boundaries of the School District, as well as eligible students who are being home-schooled, are permitted to participate in non-core elective classes offered by the School District.

## 2002

## Learning and Achievement

The core function of the School District is to educate students to prepare them to become productive and responsible citizens and adults. All other policies and considerations are secondary to this objective.

**Assessments** The Superintendent, in consultation with selected School District personnel, is responsible for developing and implementing legally compliant student assessments. These assessments are to be designed to accurately measure the degree to which students of the School District are progressing in the

School District's curriculum, in general, and how each individual student is progressing within the curriculum.

The Superintendent, in consultation with selected School District personnel, is also responsible for developing and implementing an assessment reporting system. The purposes of the reporting system include informing the Board, School District staff, parents,<sup>1</sup> and the community, at large, about student progress within the School District's curriculum, in general; informing the Board, School District staff, parents, and the community at large about student progress relative to their peers in other school districts and communities; and, notifying parents and students of the particular student's individual progress in the School District's curriculum. All School District personnel are responsible for faithfully and effectively administering the School District's assessments and following the prescribed system of assessment reporting.

**Progress Reports and Grades** The Superintendent, in consultation with selected School District personnel, is responsible for developing and implementing a system of legally compliant periodic progress reporting and grading that accurately reflects the degree to which students are progressing within the School District's curriculum, in general, and relative to their peers, as well as how each individual student is progressing. All School District personnel are responsible for faithfully and effectively implementing the School District's progress reporting and grading system.

**Placement** To the extent permitted by law, the Superintendent and building administrators, in consultation with parents, are responsible for placing students in schools, grades, and courses consistent with the School District's core function of preparing students to become productive and responsible citizens and adults. Where agreement cannot be reached, following consultation, placement decisions may be made notwithstanding parental objection. The Superintendent will promulgate administrative regulations necessary to implement this policy.

**Graduation Requirements** In order to graduate and receive a high school diploma from the School District, a student must successfully complete all coursework required by law, all credits, coursework, and assessments required by the School District and all other requirements that may be established and published from time to time by the Board. Face-to-face courses taught in grades K-8 that will be counted toward the high school graduation requirements will meet the following parameters: (1) meet at least weekly; (2) have a duration of not less than 20 minutes; and, (3) meet for multiple weeks.

## 2003 Education Records

**Generally** The Superintendent will develop and implement legally compliant regulations covering the creation, maintenance, preservation, and confidentiality of student records. The Superintendent will notify parents annually of their rights with respect to student records and related matters, as required by the [Family Education Rights and Privacy Act](#) (FERPA) and the [Protection of Pupil Rights Amendment](#) (PPRA).

**Directory Information** The Board designates the following student record information as *directory information*:

- A student's name, address, and telephone number;
- A student's photograph;
- A student's birth date and place of birth;

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<sup>1</sup>The word "parents," when used in these policies, includes legal guardians and, where required by law, those acting in the place of parents.

- A student's participation in School District related programs and extracurricular activities;
- A student's academic awards and honors;
- A student's height and weight, if a member of an athletic team;
- A student's honors and awards; and
- A student's dates of attendance and date of graduation.

Such information may be released by the School District, upon request, unless a parent or adult student has made timely objection, in writing, in accordance with [FERPA](#).

**Student Surveys** Parents may inspect all materials used for any student survey, analysis, or evaluation conducted by the School District in connection with a program that is funded by the United States Department of Education. The School District will not, without the consent of the parents of a student, require the student to participate in such a survey, analysis, or evaluation that reveals or is intended to reveal information concerning the student or the student's parents':

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

## 2004 Extracurricular Activities

The Board strongly encourages the participation of School District students in extracurricular activities. Such activities are intended to supplement the School District's curriculum and provide opportunities for student enrichment. While important, it must be emphasized that participation in extracurricular activities is a privilege, not a right.

**Athletics** The Superintendent, in consultation with the Board and selected School District personnel, will develop and administer a robust program of interscholastic athletics. The athletic program must, at all times, adhere to the principle that participants are students first and athletes second.

**School District Clubs and Other Activities** The Superintendent, in consultation with the Board and selected School District personnel, will develop and administer a program of curricular and extracurricular student clubs and other activities.

**Student-Initiated Clubs** School District secondary students may also initiate clubs and other activities to be held on School District premises, subject to such rules and regulations as may be established by the Board, the Superintendent or District personnel consistent with the federal [Equal Access Act](#) and its [Michigan equivalent](#). The School District will not discriminate among such student-initiated clubs and

activities based on the religious, political, or philosophical content of their meetings, provided the following conditions are met:

- Club meetings and events may not take place during instructional time.
- Club meetings and events must, in fact, be student-initiated and student participation must be voluntary.
- Club meetings and events will not be sponsored by the School District or School District employees or agents.
- School District employees and agents may be present in only a supervisory capacity. They may not otherwise participate in club meetings and events.
- Persons not affiliated with the School District may not direct, conduct, control, or regularly attend club meetings and events.
- Club meetings and events must not materially or substantially interfere with the orderly conduct of School District educational programs or activities.

## 2005 Communication

**Closed Forum** The School District is a closed forum, dedicated to the education of School District students based on the School District's curriculum. Where deemed necessary, the School District reserves the right to prohibit communication by students or others while observing all applicable legal requirements.

**Student Publications** The School District supports and encourages student publications that are part of the School District's curriculum, including school newspapers, yearbooks, and similar publications.

**Distribution and Posting of Materials** The posting and distribution of materials on School District premises is prohibited, unless the materials are generated by the School District itself or provides factual information about School District academic or extracurricular activities. All postings and materials to be distributed require the prior written approval of the building administrator or his/her designee.

The Superintendent, in consultation with building administrators, may develop and implement regulations for the posting and distribution of other information. In all cases, the School District prohibits the posting or distribution of literature that:

- Is libelous, defamatory, obscene, lewd, vulgar, or profane;
- Violates federal, state, or local laws;
- Advocates the use or availability of any substance or material that may reasonably be believed to constitute a direct and substantial danger to the health or welfare of students, such as tobacco, alcohol, or illegal drugs;
- Incites violence;
- Interferes with or advocates interference with the rights of any individual or the orderly operation of the schools and their programs;
- Is primarily of a commercial nature, including but not limited to material that primarily seeks to advertise products or services; or

- The primary purpose of which is fundraising, except as approved in advance by the Superintendent.

## 2006

## Behavior

The Board of Education is committed to providing a school environment in which staff may deliver and students may receive educational services without disruption or interference. Expectations for students are based on principles of civility, mutual respect, and otherwise doing what is necessary to be a functioning member of a school community. These expectations apply to conduct on School District premises, while en route to and from school, while in attendance at school functions, as well as when off-campus, to the extent the off-campus behavior is likely to or does substantially disrupt District academic or extracurricular activities or programs.

**Attendance and Truancy** The School District requires its students to attend school every day school is in session, except when excused by the School District. The School District's building principal is responsible for enforcing this policy. In cases where the School District's superintendent and/or designee concludes a parent is failing to comply with Michigan's compulsory school attendance law, [MCL 380.1561](#), s/he may refer the matter to Child Protective Services or the appropriate police agency or prosecutor's office.

**Student Appearance** Students' dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency.

**Student Code of Conduct** The Superintendent, in consultation with selected School District personnel, will develop and implement a legally compliant Student Code of Conduct. The Student Code of Conduct will apply to student behavior on school premises, while en route to and from school, at School District related events, as well as to off-campus behavior, to the extent the off-campus behavior is likely to or does substantially disrupt District academic or extracurricular activities or programs, or to the extent the District is legally required to consider the off-campus behavior, such as criminal sexual conduct and cyberbullying.

- Principals are delegated the authority to suspend a student from school for misconduct for a period not to exceed ten (10) school days. The Student Code of Conduct to be developed by the Superintendent is to include the due process protections that will apply in connection with such suspensions.
- The Student Code of Conduct will include a procedure for considering and disposing of recommendations by the administration for long term suspensions (in excess of 10 school days) and expulsions. The procedure will be consistent with this policy.

**Long Term Suspensions and Expulsions.** The Board of Education may delegate to the Superintendent the authority to issue long-term suspensions and expulsions, pursuant to legally compliant procedures set forth in the Student Code of Conduct. The Superintendent's decision on such suspensions and expulsions will be final.

The Superintendent may also develop and implement an Athletic and Extracurricular Code of Conduct. The Code will be developed on the foundational basis that participation in athletics and extracurricular activities is a privilege, not a right.

The Superintendent will post the School District's Student Code of Conduct and Athletic and Extracurricular Code of Conduct on the School District's web site and take other reasonable measures to assure that students and parents are aware of their existence.



**Other Student Behavior** Michigan law requires that the Board adopt policies concerning bullying, “verbal assault,” and locker searches. The Board adopts the following policies, which the Superintendent is to incorporate into the Student Code of Conduct.

**Student Bullying** The Board recognizes that bullying and cyberbullying significantly interfere with the learning process. Through this Policy, the Board prohibits bullying “at school,” as defined below, as well as off-campus conduct that is likely lead to a material or substantial disruption of the school learning environment for one or more students.

This Policy is intended to protect *all* students from bullying, including cyberbullying, regardless of the subject matter or motivation for the behavior. The Board, through this Policy, also prohibits retaliation or false accusations against a target of bullying, as well as a witness or another person with reliable information about an act of bullying. The identity of an individual who reports an act of bullying shall remain confidential.

In order that this Policy be properly implemented, the Board directs that:

### **Implementation**

*Responsible School Official.* The Principal of each school building is primarily responsible for implementing this Policy for the school to which he or she is assigned.

*Publication.* The Superintendent shall revise the District's Student Code of Conduct, consistent with this Policy, to specifically prohibit bullying and cyberbullying, as defined below. The Superintendent is directed to post this Policy on the 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.

*Administrative Regulations.* The Superintendent shall promulgate such administrative regulations as he/she may deem necessary for the implementation of this Policy. The regulations shall include all of the following:

- A procedure for an individual to report an act of bullying;
- A procedure for the prompt investigation of a report of an act of bullying by the building principal or his/her designee;
- A procedure for providing notification to the parent or guardian of both the claimed victim of an act of bullying and the parent or guardian of the alleged perpetrator;
- A procedure to protect the confidentiality of a person making a report of bullying;
- A procedure for documenting any prohibited bullying incident that is reported; and
- A procedure for the Superintendent to 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 shall apply for purposes of this 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 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 the activity or event 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 District.

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

- (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.

The Superintendent is directed to implement this Policy and is authorized and directed to promulgate such administrative regulations as may be deemed necessary.

**Verbal Assault** A verbal assault is a communication or series of communications that does or is intended to put a reasonable person in fear of harm to himself/herself or his/her property. The Superintendent will address verbal assault within the Student Code of Conduct.

**Locker and Other Searches** Lockers provided to students are the property of the School District and students and others have no expectation of privacy with respect to the lockers or their contents. School District principals and their designees may search student lockers at any time for any reason and may request the assistance of local law enforcement personnel. When conducting locker searches, School District personnel will respect the privacy rights of students regarding items found that are not illegal or possession of which is not in violation of School District policy. Any searches of personal property on school grounds will be conducted in a manner consistent with applicable legal standards.

**Personal Electronic Devices** The School District reserves the right to prohibit the possession or use of personal electronic devices on School District property or at School District-related functions. For purposes of this Policy, "personal electronic device" means a privately owned device that is used for audio, video, or text communications.

Students are permitted to use personal electronic devices only as follows:

- Before and after the regular school day.
- During the student's scheduled lunch time.
- As directed by a teacher or other professional staff member for educational purposes.

Students may possess personal electronic devices on their person but the devices must be powered off and kept out of sight in backpacks/purses or lockers except during the times, above.

The Superintendent may develop regulations to further control student possession and use of personal electronic devices.

**Food Deliveries** Other than food delivered by parents/guardians, students are prohibited from ordering delivery food during the school day, either directly from a restaurant or through smart phone applications and websites such as a Grubhub, DoorDash, and Uber Eats. Any food deliveries will be confiscated by the front office and, at the discretion of the front office, may either be retrieved at the end of the school day or discarded. Violation of this policy may result in student discipline.

## 2007 Health and Safety

**Programs and Activities** School District personnel will take reasonable precautions to preserve the health, safety, and welfare of students participating in School District related programs and activities.

**Health Concerns Raised by Parents or Guardians** Parents are responsible for informing the School District of health and safety concerns particular to their children and cooperating with the School District to address those concerns. The Superintendent will develop and implement regulations for addressing the health and safety concerns of students with disabilities within the meaning of [Section 504 of the Rehabilitation Act of 1973](#).

**Immunization** Except as otherwise specifically provided by law, the Board requires that all students be properly immunized, not later than the first day of school.

**Medication** The Superintendent will develop administrative regulations concerning student medications. The regulations will address the possession, storage, and accessing of student medications, as well as the administration of prescription medications to students while at school.

**Performance Enhancing Substances** Students are prohibited from using or being in the possession of any performance-enhancing substances, including, but not limited to, those that may be listed by the

National Collegiate Athletic Association, the Michigan High School Athletic Association or the Michigan Department of Community Health.

**Seclusion and Restraint** The Board directs School District personnel and others to comply with Michigan law prohibiting seclusion and restraint, except for emergency seclusion and emergency physical restraint in the manner permitted by law.

**Wellness** The Board of Education recognizes that student wellness is integral to learning, growth and development. The School District will promote proper nutrition and nutrition education, as well as regular physical activity, as steps toward student wellness. The Superintendent will develop administrative regulations to implement this policy.

**Epinephrine Auto-Injectors (Epi-Pens)** The School District will acquire or purchase and maintain at least two functioning epinephrine auto-injectors (epi-pens) at each school building it operates. Properly trained School District personnel or authorized contractors will administer an epi-pen injection to any individual on school grounds who is believed to be having an anaphylactic reaction or to any student who has a prescription on file at the school. The District will notify the parent(s) or legal guardian of any student to whom the District administers an epi-pen injection on school grounds or at a school-related activity.

The purpose of this policy is to comply with sections [1178](#), [1179](#), and [1179b](#) of the [Revised School Code](#). This policy is not intended, and should not be construed, to create or grant any rights or remedies to any person. The Superintendent will promulgate administrative regulations for implementing this policy consistent with the requirements of the [Revised School Code](#), which regulations will incorporate, by reference, the Michigan Department of Education's Medication Administration Guidelines.

**Cardiac Emergency Response Plan** The Superintendent will develop and implement regulations that will enable the School District to offer an appropriate response in the event of a cardiac emergency. These procedures will address, at a minimum:

- The use and regular maintenance of automated external defibrillators located within the School District.
- Activation of a cardiac emergency response team in the event of an identified cardiac emergency.
- The methods for effective and efficient communication in the building or outside area in which the emergency arises.
- A training plan for the use of automated external defibrillators and cardiopulmonary resuscitation techniques.
- The incorporation or integration of a local emergency response system and emergency response agencies into the School District's procedures.

The Superintendent will annually evaluate the School District's cardiac emergency response procedures and report the evaluation results to the Board.

**Physical Examinations and Screenings** Annual notice will be given to parents of any health or physical examinations or screenings. Parents will be given the opportunity to opt-out their students from all physical examinations and screenings.

**3001****Curriculum Development**

The Board directs the Superintendent to develop, implement, and provide ongoing evaluation of the School District's curriculum. The curriculum will:

- Be consistent with the Board's policy on Student Learning and Achievement;
- Meet or exceed all requirements of the State of Michigan for instructional programs; and,
- Be standards based and founded upon legally compliant, research based grade level learning and achievement standards that lead to the awarding of a School District diploma.

The School District's curriculum will also include legally compliant, research based learning and achievement standards for students who participate in career and technical education programs, as well as address the needs and provide legally compliant opportunities for students with disabilities and students who are considered gifted.

The Superintendent will appoint well qualified administrators and teachers to assist the Superintendent in implementing and improving the School District's curriculum, as well as otherwise improving student learning and achievement. Any changes to the curriculum must be approved by the Board.

**3002****Parental Involvement**

The Board strongly encourages and supports the involvement of parents in their children's education. The Superintendent will develop and implement regulations, in consultation with parents, which will include:

- The manner in which the School District will cooperate with parents of students to develop students' intellectual and vocational skills in a safe and positive environment;
- The manner in which the School District will permit parents to review the School District's curriculum, textbooks, and teaching materials;
- The manner in which the School District will permit parents to observe instructional activities, other than testing and assessments, in which their students are enrolled and present; and
- The manner in which the School District will permit the disclosure or use of student information for purposes of sales or marketing.

Parental involvement is also considered a key component of federal Title I programs. In order to help build a partnership between home and school for purposes of Title I, the School District:

- Informs parents of the program, the reasons for their children's participation and the specific instructional objectives;
- Trains parents to work with their children to attain instructional objectives;
- Trains teachers and other staff involved in Title I programs to work effectively with the parents of participating students;
- Consults with parents on a regular basis;

- Provides opportunities for parents to be involved in the design, operation, and evaluation of the program; and
- Provides opportunities for the full participation of parents who lack literacy skills or whose native language is not English.

The Superintendent will develop and implement regulations that are compliant with Title I. The regulations are to support the above principles and actions and also assure that services provided with state and local funds in Title I schools are comparable to those provided in non-Title I schools in the School District.

### **3003 Instruction**

To the maximum extent feasible, student instruction will be delivered using research based and peer reviewed instructional methodologies. The Superintendent may develop regulations that are consistent with this policy.

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

The Board delegates to the Superintendent the authority to purchase and recommend to the Board, for its approval, instructional materials, including textbooks, that are compatible with the School District's curriculum. The Superintendent may utilize well qualified administrators and teachers to assist in the selection of instructional materials, including textbooks, to be recommended to the Board.

### **3005 Selection of Media Center Materials**

The Board intends that students be provided access to a wide variety of educational materials, in various media, to support learning. The Superintendent is authorized to make or approve purchases for the media center and may receive recommendations for such purchases from professional staff members, parents, and students.

### **3006 Parental Objections**

The Superintendent will develop regulations that provide an opportunity for the presentation and fair consideration of parental objections to the School District's curriculum, the selection of textbooks and other instructional materials, and media center materials.

### **3007 School Year / School Calendar**

The Superintendent will develop and recommend for approval by the Board a school year that is consistent with the Board's policies on Student Learning and Achievement. The school year adopted by the Board will meet all applicable legal requirements and, to the extent feasible, will be coordinated with the school year calendars of the intermediate school district and neighboring school districts.

### **3008 School Day**

The Superintendent will develop and recommend for approval by the Board a school day that is consistent with the Board's policies on Student Learning and Achievement. The school day will meet all applicable legal requirements.

The Board is committed to providing equal educational opportunities for all students in the School District. This includes students who have an English language deficiency. The Superintendent will develop and implement programs of instruction that:

- Appropriately identify students who have an English language deficiency;
- Provide appropriate instruction to limited English proficient students to assist them in gaining English language proficiency; and,
- Annually assess the English proficiency of students and monitor their progress in order to determine the degree to which they may participate in a regular classroom environment.

A quality educational program is very largely a function of the personnel employed to implement the educational goals of the Board of Education. The Board charges the Superintendent with full authority to search for and recommend for employment persons of the highest character who have the skills and other qualifications necessary to meet staffing requirements.

Board policies apply to all School District employees, including personnel who are covered by a collective bargaining agreement. In the event that a Board policy conflicts with an enforceable provision of a collective bargaining agreement, the bargaining agreement will control the particular matter for employees who are within the coverage of that agreement. Any provision of a collective bargaining agreement that purports to cover a prohibited subject to bargaining is not enforceable.

All staff members have the responsibility to make themselves familiar with, and abide by, the laws of the State of Michigan as they affect their work, the policies of the Board, and implementing Administrative Regulations designed to implement them.

Members of the Board shall not involve themselves, either personally or as a collective body, in the recruitment, interviewing, or selection process for any position to be filled in the District other than the position of Superintendent of Schools.

#### 4001

#### Administrative Staff and Organization

**The Superintendent of Schools** The Board will employ a Superintendent of Schools in conformity with relevant provisions of the [Revised School Code](#) and other applicable laws.

**Other Administrators** The Board may employ other administrators as it deems necessary for the proper operation of the School District.

#### 4002

#### Employment Considerations

**Equal Employment Opportunity** The Board is committed to equal employment opportunities in all aspects of employment, including recruitment, selection, training, promotion, and retention of staff.

**Discrimination and Harassment** The Board is committed to maintaining a learning/working environment in which all individuals are treated with dignity and respect, free from discrimination and harassment. There will be no tolerance for discrimination or harassment on the basis of race, color, national origin, religion, sex, marital status, genetic information, disability, age, or any other illegal grounds.

**Nepotism** It is the intent of the Board to avoid favoritism as well as the appearance of favoritism towards relatives in all matters concerning employment in the School District. The Board adopts the following standards:

- No Board member or employee shall participate in any personnel action, including a recommendation for appointment, employment, promotion, or evaluation, concerning an applicant or employee to whom she or he is related.
- No Board member or employee may directly supervise or evaluate an employee to whom that person is related. If a person is hired or transferred into a position the person will immediately report that fact to the Superintendent, who will consult with the Board of Education concerning the proper disposition of the matter.



This policy should not, except as expressly provided, be interpreted to prohibit the employment of relatives of Board members or relatives of School District employees.

For purposes of this policy, the terms “related” or “relative” refer to the following relationships: father, mother, son, daughter, brother, sister, or spouse; father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law; step-father, step-mother, step-son, step-daughter; step- or half-sister; step- or half-brother, or any other persons who reside at the same location as the Board member or employee.

**Criminal Background Checks** The Board seeks to ensure a safe and secure environment for students, staff and other members of the school community. Accordingly, the School District will comply with state law and require that any individual working in a school building, whether as an employee or working regularly and continuously under contract, submits to a criminal history and background check by the department of state police. If an individual has been convicted of a listed offense, as defined by Michigan law, the School District will not employ the individual. If the individual has been convicted of a felony other than a listed offense, the School District will consider the severity of the felony, when the conduct occurred, its effect on the ability of the individual to work in a school building, and any other matters considered relevant to the safety of the school community. An individual with a felony conviction will not be permitted to work in a school building unless the assignment is specifically approved by the Superintendent and the Board of Education. Should the School District become aware, at any time, that an individual already working in a school building has been convicted of a listed offense or a felony, the same procedures will apply. The Superintendent will develop and implement administrative regulations to carry out this policy.

## **4003 Conditions of Employment**

**Alcohol and Drug Free Workplace** The Board maintains a workplace free of alcohol and illegal drugs, as well as prescription drugs for which the employee does not have a current, valid prescription. An employee or volunteer who is found to have unlawfully manufactured, distributed, dispensed, possessed, or used alcohol or any drug in the workplace shall be disciplined, up to and including discharge from employment. Similarly, an employee or volunteer who is found to have been present in the workplace while under the influence of illegal drugs, prescription drugs for which the employee does not have a current, valid prescription, or alcohol will be subject to discipline, up to and including discharge from employment. All employees must notify the School District, in writing, if charged with a violation of a criminal drug statute occurring in the workplace. Notification must be provided no more than three (3) business days after being arraigned for the crime. All employees agree to abide by this policy as a condition of employment. This notification requirement does not eliminate the obligation of School District employees or volunteers to report convictions of felonies and/or listed offenses, as otherwise required by law.

Notwithstanding state permissibility, the use and possession of marijuana and marijuana-induced intoxication are prohibited on school grounds.

The Superintendent, or his/her designee, is directed to establish a drug-free awareness program to inform employees about: the dangers of drug abuse in the workplace; employee awareness of this policy; and available drug counseling, rehabilitation, and employee assistance programs.

**Omnibus Transportation Employees** The School District is required to and will comply with the [Omnibus Transportation Employee Testing Act of 1991](#). The Superintendent will develop and implement regulations to conduct alcohol and drug testing of all employees working in safety sensitive transportation positions, within the meaning of the Act.

**Staffing, Layoff, and Recall of Teachers** This policy relates to all teachers working for the School District as defined by the [Michigan Teachers' Tenure Act, MCL 38.71 et seq.](#) As used in this policy, the term "personnel decision" refers to any situation where the School District is:

- Conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position;
- Conducting a recall from a staffing or program reduction; or
- Any other personnel determination resulting in the elimination of a position, or in hiring after a staffing or program reduction, or any other personnel determination resulting in the elimination of a position.

All personnel decisions will be made based on the following factors, in order of priority:

- Individual performance;
- Significant, relevant accomplishments and contributions;
- Relevant special training.

The focus of personnel decisions will be the retention of effective teachers. Length of service or tenure status will not be a consideration unless the factors described above are found to be equal, and, then, only at the discretion of the Superintendent.

No teacher who has received a rating of ineffective on his/her last year-end evaluation will be given any preference that would result in that teacher being retained over a teacher who received a performance rating other than ineffective.

The Superintendent will develop and implement regulations or practices necessary to ensure implementation of this policy in accordance with Michigan law.

**Assignment and Transfer** The Board of Education believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the District. The Superintendent will be responsible for the proper assignment and transfer of all professional staff members and, in doing so, will attempt to optimize meeting the academic needs of the District's students.

**HIPAA** The [Health Insurance Portability and Accountability Act of 1996](#) (HIPAA) requires the School District to provide employees with notice of the uses and disclosures of their protected health information that may be made by the School District. The School District will comply with the requirements of HIPAA with regard to any employee benefit or group health plan provided by the District that is subject to the requirements of the Act. The Superintendent will develop and implement regulations necessary to ensure continuing School District compliance with the requirements of HIPAA.

**Leaves of Absence** An employee may be granted a leave of absence, with a right to return to employment upon expiration of the leave. A leave of absence is without pay unless otherwise provided by law, Board policy, or a negotiated contract. The Superintendent will develop and implement legally compliant leave of absence regulations, specifying the various types of leave that are available to School District employees and the manner in which application for a leave may be made.

**FMLA** The School District will comply with the [Family and Medical Leave Act \(FMLA\), 42 USC 12201 et seq.](#), and corresponding regulations. The School District will use the rolling calendar method under the FMLA. The FMLA leave of any employee of the School District will be without pay. If the employee has paid leave time available under an applicable contract, the employee will be required to use that paid time concurrent with any FMLA leave.

**Paid Medical Leave** The School District will provide paid medical leave (PML) to eligible employees pursuant to Michigan law. The Superintendent will determine whether PML will accrue over the course of each benefit year or will be provided at the beginning of each benefit year and will promulgate administrative regulations concerning the use of PML. Payment and use of accrued or provided PML will be coordinated with all types of paid leave available to an eligible employee pursuant to collective bargaining agreements, individual contracts, or other School District policies and administrative regulations. This policy and any implementing administrative regulations will be automatically rescinded, without further action by the Board or the Superintendent, if paid medical leave is mandated by federal law.

**Medical Examinations** The Superintendent or his/her designee may require an employee to submit to a medical examination when:

- Required or permitted by federal or state law.
- Required or permitted by the employee's contract of employment.
- Information suggests that a health condition may be negatively affecting the employee's ability to perform the essential functions of his/her job, with or without accommodations.
- Information suggests that the employee is a direct threat to his/her safety or the safety of others.
- An employee has provided insufficient medical documentation as the basis for a health leave and, after providing the employee an opportunity to supplement the documentation, the documentation remains insufficient.

If the Superintendent requires an employee to submit to a medical examination, all costs will be borne by the School District. The employee will be required to sign a release authorizing the physician to submit a copy of the report of the examination directly to the Superintendent. A copy of the physician's report will be maintained in a separate, confidential personnel file.

## **4004 Evaluations, Discipline and Discharge, Resignations**

**Performance Evaluations** All teachers and administrators can improve their performance and should strive for excellence in order to provide the best possible education for the students of the School District. To that end, the School District will use a rigorous, transparent and fair evaluation system for all teachers and administrators. This system will comply with Michigan law and include annual year-end evaluations for all teachers and administrators, unless otherwise permitted by Michigan law.

The evaluation system is intended to be used to improve the performance of all teachers and administrators and encourage professional growth. The system is also intended to result in the separation from employment of those teachers and administrators who, after notice and an opportunity to improve, are found to continue to be ineffective. The Superintendent will develop and implement any legally compliant administrative regulations necessary to put this policy into effect.

**Performance Based Compensation** The Superintendent will develop for Board review and approval a legally compliant system of performance based compensation.

**Ineffective Teachers** Teachers will receive ratings pursuant to the School District's evaluation policy and administrative regulations. Any teacher rated ineffective on a year-end evaluation will be placed on an individualized development plan (IDP). That teacher will be evaluated mid-year during the next school year, in addition to receiving a year-end evaluation. If the teacher continues to be found ineffective after a second year, the School District will act to discharge the teacher, either through termination (if probationary) or the filing of tenure charges (if tenured), unless special circumstances are found to exist.

**Discipline and Discharge** This discipline and discharge policy applies to all School District employees. Furthermore, the employment of a probationary employee, including a probationary teacher, may be terminated at any time, for any reason that is not in violation of state or federal law. Where this policy conflicts with an individual contract of employment or an enforceable provision of a collective bargaining agreement, the applicable contract or agreement will supersede this policy.

The Board believes in maintaining a work environment that allows employees to be successful in providing an education to students of the School District. In return, employees are required to meet the highest standards of personal integrity, professionalism, and performance. Employees whose conduct or performance is inconsistent with the School District's expectations are subject to corrective and/or disciplinary action.

Discipline, for purposes of this policy, includes verbal and written warnings, verbal and written reprimands, suspensions, and dismissals/discharges. Discipline does not include verbal or written directives, verbal counseling aimed at correcting behavior or conduct, placement upon a voluntary or involuntary paid leave of absence, and performance evaluations. Such actions are not subject to this policy.

Disciplinary actions are taken at the discretion of the School District, and may arise for any reason that is not arbitrary or capricious. Except as otherwise expressly provided by law, individual employment contract or an enforceable provision of a collective bargaining agreement, all disciplinary decisions of the School District are final and not subject to any grievance or arbitration procedure.

**Resignations** The Superintendent is authorized to accept resignations on behalf of the Board. A resignation must be in writing and is effective upon acceptance by the Superintendent.

## **4005 Other Matters of Employment**

**Gifts to School Personnel** No employee of the School District shall:

- Accept any but nominal personal gifts of money, services, or goods from a student of the School District or the parent or guardian of any student.
- Accept any but nominal gifts or favors from any person, firm, or corporation that is involved, directly or indirectly, or may be interested in becoming involved, in any commercial dealings with the School District.

**Whistleblower Protection Policy** Employees are expected to report suspected unlawful activity in the School District without fear of retaliation. The Superintendent will develop regulations to inform employees of the protections and obligations that exist under the [Michigan Whistleblowers' Protection Act, MCL 15.361 et seq.](#) The regulations will include a procedure for reporting alleged violations.

**Outside Activities** Employees may not engage in activities which interfere with their School District duties and responsibilities or denigrate the School District or the employee's profession.

Teachers are not permitted to receive pay for tutoring students currently assigned to them. Teachers may tutor other students of the School District with the prior permission of their building principal. No private tutoring may be provided during the regular school day, on School District property at any time, or using School District equipment or supplies.

No employee shall attempt to sell or influence a student to buy any product, article, instrument, service, or other such item, with would directly or indirectly benefit that employee.

**Political Activities** Political activities of any employee campaigning for a candidate or ballot proposal shall be conducted outside of District buildings, off District premises, and outside working hours. Students shall not be used by employees outside of school hours to campaign for a specific candidate or ballot proposals, unless student-initiated and approval has been obtained from the parents of those students. In accordance with Michigan law, District resources are, in no way, to be used in furtherance of any political activities.

**Ownership of Works** Instructional staff members are encouraged to prepare scholarly articles and otherwise produce materials which might be considered for publication or distribution. Any works which reference the School District require the prior written approval of the Superintendent.

Staff member works in which a copyright or patent interest may exist are subject to the following:

- Works developed within the specific scope of an employee's School District duties and responsibilities, or occurring during the employee's regular or customary work hours, are the absolute and exclusive property of the School District.
- Works developed by an employee outside of both the specific scope of his/her employment duties and outside the employee's regular and customary hours of work belong to the employee.

**Professional Development Opportunities** Administration and professional staff are encouraged to seek and take advantage of professional development opportunities. Any expenses or fees associated with such professional development opportunities must be pre-approved by the Superintendent in order to be eligible for reimbursement.

**Professional Staff Contracts** The employment of teachers shall be secured through written contracts according to their status as a probationary or tenured teacher. The Superintendent is authorized to sign teacher contracts on behalf of the Board.

**Illegal Conflicts of Interest** School District employees and agents are prohibited from engaging in any illegal conflict of interest as determined by state law. See, e.g., [MCL 380.1203](#) and [Contracts of Public Servants with Public Entities, MCL 15.321 et seq.](#)

**Prohibition of Referral or Assistance** All District employees, Board members, and school officials must provide instruction in sex education in strict compliance with [MCL 380.1507](#) of the [Revised School Code](#). In addition, all District employees, Board members, and school officials are prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

Pursuant to state law, District personnel found to be in violation of this policy will be assessed a fine by the District of no less than 3% of his or her annual compensation. The District will refund the State School Aid Fund in an amount equal to any fines applied to or collected from District personnel under this policy.

**Student Teaching and Internships** The Board may consider the use of student teachers and interns in classes and programs maintained by the School District.

**Code of Ethics** The School District expects all individuals working with or for its students to comply with all applicable professional codes of ethics, including the [Michigan Code of Educational Ethics](#), as approved by the Michigan Department of Education.

## 5000

## BUSINESS

### 5001

### General

The Board of Education holds a position of public trust and is responsible to account for and direct the management and expenditure of all monies received by the School District. In furtherance of this responsibility, the Board directs the Superintendent to establish financial procedures to ensure the proper and effective accounting of all School District monies, that monies are administered in accordance with generally accepted accounting principles, and that all legal requirements concerning School District monies are satisfied in letter and spirit. Under the supervision of the Superintendent, financial reports and statements will be prepared and submitted to the Board on a monthly basis, or more frequently if requested by the Board.

### 5002

### Budget Planning and Adoption

The Board is required to adopt a budget prior to July 1 of each year, to be in place for the ensuing school year. The budget is a formalized statement of anticipated revenues and expenditures of the School District and includes all District fund categories that are used to carry-out the School District's educational goals and objectives. The budget will be prepared and published in conformity with the most recent, applicable GASB and will maintain an end-year general fund balance goal of 20%.

The Superintendent is responsible for preparing the budget and its timely presentation to the Board. Following adoption by the Board, the Superintendent will regularly inform the Board of actual or anticipated variances that may occur during budget implementation and recommend any action that may be required to be taken by the Board.

### 5003

### Purchasing

The Board authorizes the Superintendent to purchase or supervise the purchase of all materials, equipment, supplies, and services necessary for the operation of the School District. The Board expects the Superintendent to seek maximum value for all expenditures. The Superintendent is authorized to promulgate administrative regulations necessary to implement this policy.

The Superintendent will use competitive bidding when and in the manner required by law. In cases where competitive bidding is not required by law, the Superintendent may use competitive bidding or take advantage of cooperative pricing when, in his or her opinion, these procedures serve the School District's interest.

**Federal Procurement Standards** The Board seeks to ensure the District complies with all procurement policies and procedures in accordance with the [Education Department General Administrative Regulations](#) (EDGAR) and/or issued pursuant to the [Federal Uniform Guidance, 2 CFR Part 200](#). The Superintendent will delegate responsibility for the development of procedures that comply with this policy to the Assistant Superintendent for Business Services.

**Automated Clearing House (ACH) Arrangements and Electronic Transaction of Funds** The Superintendent may enter into Automated Clearing House (ACH) arrangements approved by the Board. The Superintendent may transact School District business electronically.

**Federal Grants and Awards** The Superintendent will promulgate legally compliant administrative regulations concerning expenditures of funds received through federal grants and awards.



## 5004

## Surplus Property

**Land, Buildings, Facilities, and Real Estate** The Superintendent may identify School District land, buildings, facilities, and real estate no longer required for School District purposes and recommend to the Board the procedures to be followed for the sale or disposition of such property. Board approval is required for both the process to be followed and the ultimate sale or disposition.

**Equipment, Supplies, and Other Personal Property** The Superintendent may periodically review School District equipment, supplies, and other School District personal property and identify any that are thought to be obsolete and not able to be salvaged, those that cannot be utilized efficiently or economically by the School District, and those that are identified as surplus personal property. The Superintendent may authorize the sale or disposition of any such items in a commercially reasonable manner so long as the total value of the sale or disposition does not exceed \$10,000. For sales or dispositions in excess of \$10,000, The Superintendent will account to the Board, in writing, including the item(s) sold or disposed of and the price or other consideration received by the School District.

## 5005

## Investments

The Board requires prudent management of the public monies to which it has been entrusted. Oversight and management of School District monies rests with the Superintendent. The Superintendent will, together with other School District administrators under his/her direction, develop and implement procedures to be followed in connection with School District investments. Such procedures will comply with the Governmental Accounting Standards Board (GASB) and the [Revised School Code](#).

## 5006

## Risk Management

The Board seeks to minimize risk in all School District operations. This requires planning that takes into account the safety of students, employees and the public, the protection of School District property, and avoidance of financial loss or liability.

The Superintendent is responsible for establishing a risk management program. The program will include means for identifying, eliminating, reducing, or transferring risk, and may provide for the purchase of insurance, if necessary.

## 5007

## Audits

The Board will retain a firm or person to conduct an annual audit of the School District's financial statements to determine, through an independent review, whether the financial statements fairly present the financial position of the School District, whether the School District has followed generally accepted accounting principles, and whether proper internal controls exist. The auditor's report will be presented at a public meeting of the Board.

## 5008

## Meal Charge / Food Services

The School District has established this meal charge policy and food services policy to address the provision of food services for School District students, including: students who are eligible for reduced-price or full-price meal benefits and/or students who have insufficient funds to pay for school meals. This policy also addresses bad debt incurred due to the School District's inability to collect unpaid meal charges from its parents and students.

The Superintendent will develop and implement administrative regulations regarding meal charge and food service procedures to provide consistent direction concerning students who do not have funds in their account or in hand to cover the cost of their meal at the time of service, and procedures for students entitled to reduced-price or full-price meal benefits. These regulations, and this policy, will be provided to all households in writing at the start of each school year, to households transferring to the School District during the school year, and to all School District staff and independent contractors and companies responsible for implementation.

## **5009 Summer Property Tax Levy**

The Board, by passing a resolution in order to activate this policy, shall impose a summer property tax levy. Each summer property tax levy shall be for debt retirement, sinking fund, operating, or other purposes, as applicable, unless otherwise dictated by law.

## **5010 Fixed Assets**

The Board shall maintain a fixed asset procedure sufficient to track applicable purchases and donations of items meeting the following criteria:

- The cost of each item shall exceed \$5,000;
- The item shall have an estimated useful life which exceeds one year; and/or
- Items costing less than \$5,000 each may also be included within this policy if such item is deemed to be theft prone or otherwise warranting tracking.

Fixed assets shall be classified into the following major categories:

- Land;
- Buildings;
- Vehicles;
- Improvements other than buildings;
- Construction in Progress; and
- Machinery and Equipment.

The Superintendent shall develop such procedures and practices sufficient to meet this Policy.

## **5011 Online Fundraising**

No employee shall create, post, or sponsor any online fundraiser seeking to secure or generate funds from the public for school purposes, purchases for school, or utilizing the District's name, logo, or likeness, without prior written consent from the Superintendent. If permission to create, post, or sponsor an online fundraiser is provided by the Superintendent, any property secured or purchased through such fundraising activities shall become the property of the District and not the employee. This policy applies, but is not limited to, online fundraising services such as DonorsChoose.org, Kickstarter.com, GoFundMe.com, CrowdRise.com, and similar sites.



The Board views the use of credit cards as a convenient and efficient means of transacting School District related business. The Board approves the issuance and use of School District credit cards on the terms and conditions set forth below.

School District credit cards may be issued to the Superintendent of Schools and other School District employees designated by the Superintendent. The Superintendent is responsible for the issuance, accounting, monitoring and retrieval of School District credit cards and for overseeing compliance with this Policy. The Superintendent shall assure that:

- A School District credit card may be used only by a person to whom the card has been issued by the Superintendent. This includes anyone who has permission from the person to whom the card was issued to use the card.
- A credit card may be used only for the purchase of goods or services for the official business of the School District.
- No purchases for personal purposes or cash advances are permitted.
- An employee of the School District who has been issued a credit card shall submit to the Superintendent a contemporaneous report detailing the:
  1. Goods or services purchased;
  2. Date of the purchase;
  3. Cost of the purchase; and
  4. School District related reason for the purchase.

The person to whom a credit card has been issued is responsible for its protection and custody and shall immediately notify the Superintendent if the credit card is lost or stolen.

A person to whom a credit card has been issued must return the credit card upon the termination of employment or service in office for the School District.

Internal accounting controls will be developed to monitor credit card use, approval of credit card invoices and assurance that payment will be timely made. In no event will payment be made later than 60 days from the initial date of the statement on which the purchase is reflected.

Any unauthorized use of a School District credit card will result in appropriate disciplinary measures being taken.

## 6000

## FACILITIES AND OPERATIONS

### 6001

#### Goal

The Board intends that the educational program be fully supported by suitable facilities. The District will endeavor to utilize energy-efficient resources whenever possible and practical, as well as conduct operations in an environmentally-conscious and responsible manner.

### 6002

#### Safety and Security

School District facilities and grounds will be kept safe, clean, and attractive. The Superintendent will develop and implement a maintenance program for the safe and efficient operation of the School District. The program will provide for the regular inspection and periodic maintenance of all School District facilities and be compliant with all applicable safety, health, and environmental requirements.

The School District will undertake reasonable cooperative efforts with law enforcement agencies. The Superintendent and building administrators have the responsibility and authority to determine when the presence or assistance of law enforcement officers is necessary on School District premises and School-related functions.

### 6003

#### Firearms and Other Weapons

To the full extent permitted by law, the District prohibits firearms, lookalike weapons, and other weapons on District premises and at District-related functions, without prior, written approval from the District's Superintendent. District employees and students who violate this policy are subject to discipline, including permanent expulsion or discharge. Others who violate this policy are subject to being banned from District premises and District-related functions. The District reserves the rights to report to police authorities any person who violates this policy.

### 6004

#### School Crisis, Response, and Closure

The Board strives to provide a safe learning environment for students, staff, and other members of the school community. The Superintendent will develop a school crisis response plan to be implemented in the event of an emergency.

The Superintendent is authorized to close schools in the case of inclement weather or other emergencies when it is unsafe for students to travel to or attend school.

### 6005

#### Hazardous Chemicals and Substances

The Superintendent will develop a plan that includes preventive and remedial measures to be taken in the event that there is exposure, or threatened exposure, to a toxic hazard. The Superintendent will also develop and implement an Asbestos-Management Program for the School District that is compliant with the [Asbestos Hazard Emergency Response Act](#) (AHERA).

### 6006

#### Tobacco-Free Environment

**Generally** The use of all tobacco products on School District property is prohibited. For purposes of this policy, School District property includes all school buildings, areas adjacent to school buildings, athletic

fields, pupil transportation vehicles, and parking lots. This prohibition applies to students, employees, and visitors to the school or school campus and applies whether or not school is in session. The term "tobacco" includes any kind of lighted pipe, cigar, cigarettes, or any other lighted smoking materials, as well as chewing products and snuff.

**Electronic Cigarettes, Vaporizers, Etc.** The use of electronic cigarettes, vaporizers, etc. on School District property is prohibited.

The following definitions apply to this policy. "Electronic Cigarettes" and "Vaporizers" means any device that simulates smoking any type of product, regardless whether they are manufactured, distributed, marketed, or sold as e-cigarettes, or under any product name or descriptor.

## **6007 Integrated Pest Management**

The Superintendent will develop an integrated pest management plan or administrative regulations that include strategies to reduce the use of pesticides that pose health risks to students, staff members, and other persons in the school community.

## **6008 Transportation**

**Student Transportation** The District will provide transportation to eligible School District students and others consistent with applicable laws. The use of School District transportation resources for field trips, co-curricular activities, and other authorized educational, cultural, and recreational activities may be permitted when it does not conflict with the primary purpose for transportation and complies with District policies.

Students who reside in the District are eligible for transportation to and from school if the student's IEP or Section 504 Plan requires transportation by the School District and under other circumstances as determined by the Transportation Department.

**Business Transportation** The Superintendent is authorized to determine the extent to which District owned vehicles may be used for official school business. Drivers of school owned vehicles shall be properly licensed.

The Superintendent is authorized to reimburse School District employees for School District-related travel outside the boundaries of the School District at the rate established by the Internal Revenue Service.

**Private Transportation** In cases where an enrolled student wishes to transport him/herself by private vehicle, the parent(s) or guardian(s) of the student may request permission for their child to self-transport him/herself to and from a District site or program, subject to rules and regulations established by the Superintendent.

## **6009 Naming School District Buildings and Facilities**

School buildings will be named after people of national, state, or local importance. Other facilities will be named for the major function(s) performed there followed by the word "Center."

## **6010 Recognitions, Remembrances, and Plaques**

The Board may honor a person of national, state, or local importance by placing a suitable plaque or memorial on a School District building or facility. The Board may elect to provide remembrances and/or

recognitions of District employees or those serving the District from time to time. The Board authorizes the expenditure of reasonable costs for recognitions addressing an individual's service/employment to the District. Other than the foregoing, no public funds shall be expended for remembrances or recognitions approved by the Board. All plaques and memorials will expire after 20 years, unless otherwise designated by the Board.

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

The Superintendent may authorize legally compliant surveillance of and in School District buildings and facilities. Notice will be provided in cases where the general public or students are subject to routine and on-going surveillance. The Superintendent will develop administrative regulations for the recorded surveillance of matter that are or may become education records within the meaning of [FERPA](#).

### **6012 Stormwater Discharge**

The Superintendent will promulgate administrative regulations applicable to the discharge of stormwater.

## 7000

## SCHOOL-COMMUNITY RELATIONS

### 7001

#### Goal

The community should be regularly informed about the objectives, achievements, and condition of the School District. The Board recognizes the importance of community input and encourages active involvement in School District planning and operations.

**Public Information** The School District annually releases a comprehensive Annual Education Report (AER) and other information in accordance with state and federal reporting requirements. The Superintendent will utilize various media to provide for meaningful sharing of information between the School District and the community.

In accordance with the [Michigan Freedom of Information Act \(FOIA\), MCL 15.231 et seq.](#), the School District will make public records available for inspection or duplication. The Superintendent is the School District's FOIA Coordinator and will develop administrative regulations necessary to implement the requirements of the Act. The regulations will include a schedule of costs to be charged, as allowable under the Act. The Superintendent may designate another individual to perform on his or her behalf in receiving, processing, granting, and denying requests for public records.

### 7002

#### Community Use of School District Facilities

The Board encourages the use of School District facilities to promote educational, recreational, cultural, and civic activities of the community. The Board does not intend, through this Community Use policy, to create a public forum or limited public forum for expressive activity.

The Superintendent is authorized to permit individuals, groups, and organizations to use School District facilities when the use does not conflict with the use of School District facilities for School District purposes. The Superintendent will develop administrative regulations, as necessary, to implement this policy.

### 7003

#### Gifts, Bequests, and Donations

The Superintendent may accept gifts, bequests, and donations in the name of the School District. Gifts, bequests, and donations must:

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

### 7004

#### Distribution of Information / Materials

The Board seeks to minimize intrusions on the time of students and employees caused by the distribution of information from sources outside of the School District. Materials which have not been purchased from, produced, or sponsored by the School District may not be sold or distributed on School District property without the prior written approval of the Superintendent.

## **7005 Public Complaints**

The Board welcomes constructive criticism. The Superintendent will develop and implement administrative regulations providing for the investigation and resolution of complaints at their closest point of origin. A complaint concerning the Superintendent may be filed directly with the Board.

## **7006 Solicitation**

Solicitations by students within the schools or on school grounds for any cause is prohibited except as they relate to school-sponsored activities.

## **7007 District Support Organizations**

The Board recognizes the important role that supportive members of the community can make in creating educational opportunities for District students. To that end, the Board encourages the creation of District support organizations, including student fundraising activities, booster clubs, parent/teacher organizations, etc., to provide additional support to the School District community. The Superintendent will develop and implement administrative regulations to carry out this policy.

## **7008 Advertising**

No advertising may be distributed, posted, or displayed on or within any District-owned property without the written consent of the Superintendent. The Superintendent shall prepare regulations addressing the circumstances under which the District would consider accepting commercial advertisements.

Further, absent the express written consent of the Superintendent, all school personnel, including contracted personnel assigned to the District, shall be restricted from utilizing District resources, technology, including District email, and student-parent contact information received while engaged in duties for the District for non-District related purposes.

## **7009 Volunteers**

The Board encourages the use of volunteers to support the School District. Because the safety of the School District's students is of paramount importance, every individual volunteer is required to undergo a criminal background check through the Michigan State Police Internet Criminal History Access Tool (ICHAT) before s/he is permitted to volunteer, regardless of whether or not the volunteer will work directly with students. ICHAT criminal background checks will be performed annually for each volunteer.

No individual will be permitted to volunteer if s/he has been convicted of a misdemeanor described in, or a felony that is a "listed offense" as defined in, [MCL 380.1535a](#) or [MCL 380.1539b](#). If an individual has been convicted of a felony that is not a listed offense, as defined in [MCL 380.1535a](#) or [MCL 380.1539b](#), the individual may only be permitted to volunteer if the Board and the Superintendent both approve the volunteer assignment in writing. This policy does not grant any individual who passes an ICHAT background check with the right to be approved as a volunteer.

**8000****GENERAL POLICIES**

Acceptable Use	Communicable Diseases
Americans with Disabilities Act/ Section 504 of the Rehabilitation Act of 1973	Copyrighted Works
Web Accessibility	Discrimination and Harassment
Bloodborne Pathogens	Social Security Numbers
	Digital Communications

**8001****Acceptable Use**

School District students and staff members may be permitted access to the School District's computers, computer networks, and telephone systems for educational, instructional, and administrative purposes. The Superintendent will develop and implement administrative procedures and may develop user agreements consistent with the purposes and mission of the School District. Any such administrative regulations guidelines or user agreements will be consistent with the [Children's Internet Protection Act \(CIPA\)](#).

**8002****Americans with Disabilities Act (ADA)****Section 504 of the Rehabilitation Act of 1973 (Section 504)**

In accordance with [Section 504 of the Rehabilitation Act of 1973](#) (Section 504), and [Title II of the Americans with Disabilities Act](#) (ADA), the School District will ensure that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination. The School District does not discriminate in admission or access to, participation in, or treatment of students with disabilities in its programs and activities. Similarly, the School District does not discriminate against any job applicant or employee with a disability in any term or condition of employment or in the recruitment process.

The District has developed guidelines for providing a free appropriate public education (FAPE) to students under Section 504 and the ADA, which may be accessed by clicking [here](#).

The Superintendent appoints the Special Education Supervisor to serve as the School District's Compliance Officer for employment issues arising under Section 504 and the ADA and as the School District's Compliance Officer for FAPE and other accessibility issues arising under Section 504 and the ADA. The Superintendent will develop a complaint procedure for the processing and early disposition of alleged violations of the policy.

**8003****Web Accessibility**

The School District is committed to ensuring accessibility of its website for students, parents, and members of the public. All pages on the District's website will conform to the W3C WAI's Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents of those guidelines. The School District will continue to test future releases/updates of its web site and remains committed to maintaining its compliance and serving the widest possible audience. To this end, the District will perform periodic accessibility audits of its web site.

**Report of Accessibility Issues** If any individual has difficulty accessing the information on any page of the District's web site, they are encouraged to contact the District's Web Accessibility Coordinator and advise accordingly. Upon notification, the District will provide the requested information in an alternate format and, as soon as reasonably practical, make the necessary improvements to make the information accessible online.

**Discrimination Complaint** Consistent with established District procedures, students, parents, and members of the public may present a formal complaint regarding a violation of the [Title II of the Americans with Disabilities Act](#) (ADA) and [Section 504 of the Rehabilitation Act of 1973](#) (Section 504) related to the accessibility of the District's web presence. Such complaints should be made to the District's 504/ADA Compliance Officer. If any such complaint is made to the District's Web Accessibility Coordinator, such complaint shall promptly be forwarded to the 504/ADA Compliance Officer for processing and response.

The following persons have been designated to handle inquiries regarding the District's web site accessibility and non-discrimination policies.

**Section 504/ADA Compliance Officer:**

Special Education Supervisor  
(989) 642-5282  
[buchman@hemlockps.com](mailto:buchman@hemlockps.com)

**Web Accessibility Coordinator:**

Technology Director  
(989) 642-5287  
[lockwood@hemlockps.com](mailto:lockwood@hemlockps.com)

## **8004 Bloodborne Pathogens**

The School District follows universal precautions where there has been an exposure to blood or other potentially infectious materials. Universal precautions require that staff and students treat all human blood and certain human body fluids as though they were infectious.

The Superintendent will develop and implement an exposure control plan. This plan is to include in-service training for staff and provide opportunities for immunization at School District expense.

## **8005 Communicable Diseases**

The School District will work cooperatively with the Saginaw County Health Department to enforce and adhere to the [Michigan Public Health Code \(Act 368 of 1978 as amended\)](#) with regard to the prevention, control, and containment of communicable diseases.

## **8006 Copyrighted Works**

The School District will fully respect the personal property rights of others, whether tangible or intangible, in accordance with the [Copyright Act of 1976](#), as amended. The Superintendent will develop administrative regulations to implement this policy. The regulations will specifically inform students, staff, and other members of the school community about the applicability of copyright protections and what may be permitted under the "fair use doctrine."

## **8007 Discrimination and Harassment**

The Board of Education is committed to maintaining a learning/working environment in which all individuals are treated with dignity and respect, free from illegal discrimination and harassment. There will be no tolerance for discrimination or harassment on the basis of race, color, national origin, religion, sex, marital status, genetic information, disability, age, or any other basis prohibited by law. The



Superintendent will develop administrative regulations to implement this policy. The Superintendent designates the Superintendent to serve as the School District's Compliance Officer to investigate and resolve complaint of illegal harassment and discrimination.

## **8008 Social Security Numbers**

The School District collects and maintains social security numbers of employees, students, and others in the ordinary course of business. As required by law, the School District will implement all appropriate measures to ensure the confidentiality of social security numbers. These measures include:

- Social security numbers will only be requested or obtained when required by law or otherwise essential for a School District purpose.
- Access to documents or other forms of information containing the social security number of an employee, student or other person will be limited to those School District employees whose specific job duties and responsibilities require such access.
- Documents containing a social security number that are no longer required for School District purposes, and that are not legally required to be retained, may be disposed of by shredding or another process that ensures strict confidentiality.
- Any violation of this Policy will result in appropriate disciplinary action against the violator.

## **8009 Digital Communications**

Digital communication (including social networking) that occurs on District premises or involves the use of School District equipment is governed by the Acceptable Use Policy and this Policy. This Policy also applies to digital communication that occurs off District premises and/or using non-District equipment.

Digital communication (including social networking) provides educational and other opportunities for staff and students. The Board of Education expects that staff and students who engage in digital communication will do so in a reasonable and appropriate manner. Specifically, digital communication between staff and students, or to which students reasonably may be exposed, should be professional and of the same content, tone and demeanor as in-school communication between staff and students. Similarly, digital communication between staff and parents, community members, and other adults, or to which staff members, parents, and community members reasonably may be exposed, should be professional.